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**PRESENT :**

CHAIRMAN.

The Hon'ble Sri Jagjivan Ram, Minister for Labour, Government of India.

**GOVERNMENT OF INDIA.**

*Delegates.*

- (1) Mr. S. Lall, I.C.S., Secretary, Ministry of Labour.
- (2) Dr. N. Das, I.C.S., Director-General, Resettlement and Employment.
- (3) Dr. B. N. Kaul, Director, Industrial Statistics, Ministry of Industry and Supply.
- (4) Dr. B. R. Seth, Director of Industries and Labour, Delhi.

*Advisers.*

- (1) Mr. K. N. Subramanian, I.C.S., Joint Secretary, Ministry of Labour.
- (2) Mr. S. C. Joshi, Chief Labour Commissioner.
- (3) Mr. W. R. Natu, Economic and Statistical Adviser in the Ministry of Agriculture.
- (4) Dr. B. Ramamurti, Director, Labour Bureau.

**WEST BENGAL.**

- (1) Sri S. K. Chatterjee, Secretary, Labour Department.
- (2) Sri D. Chatterjee (Adviser), Deputy Labour Commissioner, Calcutta.

**BOMBAY.**

- (1) The Hon'ble Sri Gulzarilal Nanda, Minister for Labour.
- (2) Mr. N. K. Dravid (Adviser), Secretary, Labour Department.
- (3) Mr. S. T. More (Adviser), Parliamentary Secretary, Labour.

**UNITED PROVINCES.**

Mr. T. Swaminathan, I.C.S., Secretary, Labour Department.

**MADRAS.**

Mr. R. M. Sundaram, Commissioner of Labour.

**C. P. AND BERAR.**

Mr. P. K. Sen, Labour Commissioner.

**ASSAM.**

- (1) Mr. Purnanda Chetia, Parliamentary Secretary, Labour.
- (2) Mr. D. C. Das (Adviser), Labour Secretary.

**BIHAR.**

Mr. S. R. Bose, Deputy Commissioner of Labour and Employment.

**ORISSA.**

- (1) The Hon'ble Sri Pabitra Mohan Pradhan.
- (2) Mr. V. Ramanathan, I.C.S. (Adviser), Secretary to Government, Labour Department.

**EAST PUNJAB.**

- (1) The Hon'ble Sri Prithvi Singh Azad, Minister for Labour and Excise.
- (2) Sri M. R. Bhide (Adviser), Secretary, Industries and Labour Department.
- (3) Sri S. N. Kapur (Adviser), Director of Industries.

**MYSORE.**

The Hon'ble Sri K. T. Bhashyam, Minister for Law and Labour.

**GWALIOR.**

The Hon'ble Sri M. V. Ghule, Minister for Home and Labour.

INDORE.

- (1) The Hon'ble Mr. V. V. Dravid, Minister for Labour.
- (2) Mr. R. S. Date (Adviser), Director of Labour.

COCHIN.

The Hon'ble Mr. K. Balakrishna Menon, Minister for Food and Education.

TRAVANCORE.

- (1) Mr. C. P. Gopala Panicker, Secretary to Government.
- (2) Mr. V. K. Velayudhan (Adviser), State Labour Commissioner.

BARODA.

Mr. N. B. Cama, Deputy Director of Labour.

EMPLOYERS.

ALL-INDIA ORGANISATION OF INDUSTRIAL EMPLOYERS.

*Delegates.*

- (1) Soth Sakarlal Balabhai.
- (2) Mr. Shri Ram.
- (3) Mr. Shanti Prasad Jain.
- (4) Mr. N. D. Sahukar.

*Advisers.*

- (1) Seth Chaturbhujdas Chimanlal.
- (2) Mr. M. H. Patel.
- (3) Mr. G. L. Bansal.
- (4) Mr. D. G. Mulherkar.

EMPLOYERS' FEDERATION OF INDIA.

*Delegates.*

- (1) Mr. Ardeshir Dalal.
- (2) Mr. N. S. V. Aiyer.
- (3) Mr. A. J. Elkins.

*Advisers.*

- (1) Mr. H. K. Srivastava.
- (2) Mr. T. S. Swaminathan.
- (3) Mr. Y. S. Pandit.

WORKERS.

ALL-INDIA TRADE UNION CONGRESS.

*Delegates.*

- (1) Mr. K. N. Joglokar.
- (2) Mr. Manek Gandhi.
- (3) Prof. Shibban Lal Saxena.

*Advisers.*

- (1) Mrs. Shanta Mukherjee.
- (2) Mr. K. S. Pitkar.
- (3) Mr. Jatin Chakravarthi.

INDIAN NATIONAL TRADE UNION CONGRESS.

*Delegates.*

- (1) Dr. Mrs. Maitroyee Bose.
- (2) Mr. S. R. Vasavada.
- (3) Sri Shantilal H. Shah.



*Advisers.*

- (1) Sri Ramananda Das.
- (2) Sri Suraj Prasad Awasthi.
- (3) Sri P. R. K. Sharma.

INDIAN FEDERATION OF LABOUR.

*Delegates.*

- (1) Prof. G. D. Parikh.
- (2) Mr. P. Venkat Rao.

*Advisers.*

- (1) Mr. K. S. R. Shetty.
- (2) Mr. G. B. Sukhee.

INDEPENDENT EMPLOYERS.

*Delegate.*

Mr. N. S. Kajrolkar, Vice-President, Buttor Manufacturers' Association, 112, Meadows Street, Bombay.

INDEPENDENT WORKERS.

*Delegates.*

- (1) Prof. N. G. Ranga.
- (2) Mr. Jaipal Singh, Adibasi Mahasabha, Ranchi.

*Adviser.*

Mr. V. R. Changole, Nagpur District Leathor Industrial Co-operative Society, Ltd., Itwari, Nagpur.

# Government of India

## Ministry of Labour

### Summary of proceedings of the Ninth Indian Labour Conference.

*Held in New Delhi on the 19th, 20th and 21st April, 1948.*

#### **The Chairman delivered the following speech:—**

I have great pleasure in welcoming you all to the Ninth Session of the Indian Labour Conference. Since we last met our country has achieved its freedom after a long period of bondage, but the birth of freedom was not without its pangs. We have seen some of the worst tragedies. The country had hardly recovered from disturbances and dislocations following its partition, when an unprecedented national catastrophe overtook us in the death of our Saviour, the Father of the Indian Nation, in circumstances so tragic and astounding. To his sacred memory let us pay our respectful homage and pray that his Divine spirit may guide our path in the difficult times that lie ahead.

The Indian Labour Conference was the first tripartite organisation to be set up in the country. We have now gained wider experience of the working of tripartite machinery and the tendency will be to extend its scope and functions. We have already set up tripartite Industrial Committees for coal, cotton textiles and plantations. We hope shortly to set up similar Committees for jute, cement, tanning and leather, but the most important development of tripartite machinery will be in connection with the implementation of the Industrial Truce Resolution, to which I shall presently refer.

It is the normal procedure for the Minister of Labour at each session of the Indian Labour Conference to review the whole field of labour administration, to recapitulate what has been done in the past year and to indicate in outline what is hoped to be achieved during the forthcoming year. This is now hardly necessary because I have already reviewed on more than one occasion our past work and future programme. I shall therefore break away from tradition and concentrate on the question of industrial truce which I consider to be of supreme and overriding importance.

The resolution on industrial truce adopted at the Industries Conference in December last is a tribute to your patriotism and constructive effort. It is an evidence of your anxiety to help in tiding over the present crisis. But its implementation is yet to come. It will demand your most earnest endeavour, sacrifice, restraint and that spirit of adjustment and accommodation which is an indispensable condition of compromise and conciliation. It will be the test of our patriotism and of our capacity to rise to the occasion. The implementation of the truce must be accorded top priority in our national programme and I most earnestly appeal to you all to do your utmost to make it a reality. So far as the Government are concerned, I would like to give the assurance that we shall spare no effort to fulfil each and every obligation that is imposed upon us.

When the Industrial Truce Resolution was adopted by the Industries Conference, I felt that a new era had dawned in India which would see the orderly and progressive liquidation of all forms of exploitation in fields, factories and elsewhere.

When I view existing economic conditions I often feel tempted, in the words of Omar Khayyam, "to grasp this sorry scheme of things entire, shatter it to bits—and then remould it nearer to the heart's desire—". But this is not always practicable and I might be destroying much that is worthy of preservation. To expect radical and revolutionary change overnight is a method only of violent revolution. I am opposed to violence and I would prefer to achieve my objective with the co-operation of all parties. It is for this reason that I prefer the path of co-operation rather than the path of revolution. I am also confident that in tripartite discussion each party will in time lose its angularities and adjust itself to the common interest of all. The Industrial Truce Resolution veritably marks a new era in the history of our country. If implemented, it will bring about a bloodless economic revolution.

The tripartite machinery which is proposed to be set up for the implementation of the Industrial Truce Resolution will function at various levels—the Centre, the Regions and the Units. The details of this machinery will, I hope, receive your careful consideration. In this connection I should like to acknowledge that the tripartite machinery which we are setting up in India owes much to the International Labour Organisation, which was set up after the First World War. In fact, the tripartite principle was first embodied in that organisation. In October last a preparatory Asian Regional Conference was held in Delhi under the auspices of the I.L.O. and this gave us an opportunity of observing the working of the tripartite machinery in the international sphere. I am sure that all those who attended this Conference, the first of its kind in Asia, will agree with me that it played an important part in creating a healthy desire and the determination in Asian countries to improve social standards. In this respect India is not lagging behind. On the contrary, she is well in advance of most Asian countries in her labour legislation and labour administration. This position she has been able to attain as a result of the continuous effort of the recent years during which important measures such as the Minimum Wages Act, the Employees' State Insurance Act, the Trade Union Amendment Act and many others have come on the Statute Book. I am hoping that in this respect this ancient land of ours will set an example which will be followed by other Asian countries.

Labour Legislation and labour administration have not received adequate attention except in recent years. The sudden increase of activity has involved very heavy strain on the Ministry of Labour in the Government of India and also on Provincial Governments. Labour, as you are aware, is a "Concurrent" subject and many aspects of labour problems fall within the Provincial sphere. Let me here pay a tribute to the able manner in which Provincial Governments have handled their labour problems which often have been as complex as any we had to deal with at the Centre. It is by the co-ordinated tackling of the problems both at the Centre and in the Provinces, that industrial peace can be achieved. I have no hesitation in saying that Provinces are now becoming increasingly vigilant in the due enforcement of labour laws, although the need for economy so obvious in these days has not permitted some of them to maintain as large a staff as they would have wished.

The problem of bringing up the administrative arrangements to the required level will be discussed at the forthcoming meeting of Labour Ministers and we hope to devise means which will ensure that labour laws shall be adequately enforced. In the past, Indian States, generally speaking, were lagging behind in Labour administration. With merger and the integration of States there should be a great improvement. I am glad to acknowledge the whole-hearted co-operation which we have

received from the more advanced States. In the changed circumstances it will be easier for Indian States as a whole to join hands with the Provinces in the development of social policy.

I do not propose to detain you much longer. You have before you a heavy agenda. The notes which have been forwarded to you will show in detail the rough programme of work chalked out for the coming year which we on this side feel confident we can tackle with your continued co-operation and good-will. Before concluding I would like to refer to one other matter. I have heard it occasionally said that Government is siding with labour or that it is siding with management. The fact of the matter is that it has to act in the common interest and to the common good. Let me assure my friends on both sides that if they respond to the needs of the country and observe the industrial truce, both in letter and in spirit, they will have no cause of complaint and will be helping their own interests as well as promoting the well-being of the country.

*Mr. Shanti Prasad Jain* pointed out at the outset that substantial changes were made in the case of labour legislation agreed to at the Indian Labour Conference, at the last stage in the Legislature without the consent of the Indian Labour Conference and cited as an instance the Workmen's State Insurance Act. He stressed that the Government of India should see to it that the recommendations of the Indian Labour Conference are not changed by the Legislature when the Bill comes up for consideration.

*The Chairman* pointed out that his point could be suitably discussed under item I of the agenda. He suggested that it would be better if one representative of each organisation spoke on one subject.

## ITEM I.—REPORT ON LABOUR POLICY AND ADMINISTRATION.

(Text of report is at Appendix I.)

*Mr. Shanti Prasad Jain* referred to the arrangement by which Government placed before the Indian Labour Conference all Labour enactments which it had in view and obtained the consent and the views of the Conference before they were presented to the Legislature and passed into Acts and pointed out that in the case of the Workmen's State Insurance Act several important changes had been made without the consent of the Conference. He felt that if that was the position it was no use discussing matters at the I.L.C. Drawing attention to the Factories Act, he said that although it was agreed at the Conference that the workers would get only 7 days holidays, ten holidays were accepted in the Legislature. He stressed that once the Conference reached certain decisions on proposed enactments, there should be no change thereafter in the main features of the proposed Bill. Continuing *Mr. Jain* said that although it was accepted at the Conference that for the sake of uniformity legislation should be on an All-India basis, the Provincial Governments had been introducing measures on important things and deviating from the legislation enacted by the Centre. He drew attention to the Industrial Disputes Act and pointed out that Provincial Governments were proceeding as they liked and thought that that was highly undesirable.

*Mrs. Shanta Mukerjee* felt it would have been better if the Conference had been given a chance to have a discussion on the proposed amendments to the Factories Bill. She opposed the idea of giving to the Provincial Governments powers of exempting certain factories from the provisions of the new Bill and urged that the question of emergency must be decided not only by Government but by some other agencies as well. She was

anxious to know whether Government were going to accept the suggestions of the All-India Trade Union Congress. She was of the opinion that there should be a provision in the Bill to make it necessary before an industry was organised to see that that industry would be able to secure amenities for the welfare of workers, like housing. She also stressed that the minimum age of employment should be raised to 15 as against 13 as proposed and that the chapter on amenities to workers engaged in continuous process factories should be reconsidered.

*The Chairman* explained that the opinions of all would be placed before the Select Committee for their consideration.

*Mrs. Shanta Mukerjee* felt that the figure of only 20 Inspectors who were trained was too small for the whole country and hoped that the Government would have an adequate number of trained Inspectors soon. She wanted to have annual reports on all the schemes of Government. Pointing out that the annual reports of the Chief Inspectors of Factories were not being received regularly she requested the Government to print them regularly in future and wanted to make suggestions regarding their improvement. She wanted to know the views of the Government on the amendment to the Indian Mines Act suggested by the All-India Trade Union Congress. She felt that there had been considerable delay in building houses for coal-miners and wanted to know how Government were going to get over the difficulties. She felt that it would have been better if actual figures regarding welfare centres for women, the schemes as chalked out and the number of pithead baths constructed, were given in the report circulated. She requested Government to expedite the issue of the questionnaire on agricultural labour. She suggested that the framing of rules relating to the Employees' State Insurance Act, 1948, should be finalised within a period of four months. She suggested that the Payment of Wages Act should be extended to Mica Mines and to transport services like trams and bus services and that Workers' Organisations should be associated with the expenditure of the fund left as surplus under the War Injuries Compensation Scheme. She wanted to know the number of canteens established in industrial undertakings and the actual progress made in the implementation of the Central Pay Commission's recommendations. She suggested that in order to have proper co-ordination the representatives of the Tripartite Organisation should be included in the Industrial Committees in the same way as the International Labour Organisation is represented on the Industrial Committees and that in every legislation a section should be added making it obligatory on Government to make a report to the Legislature every year as was done in England.

*Prof. Shibban Lal Saxena* stated that the Provincial Governments were not properly implementing legislation regarding industrial peace. He drew particular attention to the case of the United Provinces and said that although the Industrial Disputes Act laid down how Conciliation Boards and Works Committees should be formed, the Provincial Government had nullified all those provisions in the case of the Sugar Industry. He also took exception to the manner in which recognition was being given to Trade Unions and quoted certain facts and figures in support of his claim that it was not always the most representative Union which got recognition from the Provincial Government. He alleged that the Provincial Government were having those people who were not recognised by the workers as their representatives. Drawing attention to the condition that the representatives of the employees on the Works Committee would have to be appointed by the Trade Union affiliated to the recognised Federation, he pointed out that a referendum in the United Provinces had revealed that 1,400 workers were on the other side while only 200 were in the Union affiliated to the

reorganised Federation and thus the representatives of only 200 workers were made to represent 1,400 workers. He felt that if these things were allowed to continue the Works Committees instead of promoting peace would only promote disputes. He read a clause from an agreement reached between the United Provinces Government, the Indian Sugar Syndicate and the United Provinces and Bihar Sugar Mill Workers' Federation and drew attention to the fact that even in the matter of bonus which was given in consultation with the United Provinces and Bihar Sugar Mill Workers' Federation, Gwaltoli, Kanpur, a circular was issued that unless Re. 1 was deducted from the worker for the Federation the bonus would not be paid. Moreover, no union or person disowning allegiance to the Federation would have a representative on the Works Committees. He pointed out that the same was the case in Bengal. He concluded by saying that if industrial peace was to be maintained, Government must be absolutely impartial and leave the workers to have their own organisations and to choose their own people without any sort of pressure.

Mr. S. R. Vasarada drew attention to the existing provisions of the Payment of Wages Act and apart from the delay in the legal processes under it referred to certain other difficulties as well. He pointed out that recently certain awards had been given which were not covered by the Act and the workers had no remedy against the recalcitrant employer when he refused to carry out the award. He suggested that the awards should be covered by the Act so that there might be some remedy. He also suggested that all the Labour Officers employed by the various departments of the Government of India should be under the Ministry of Labour so that a uniform labour policy could be followed by those officers. He thought it was high time that greater attention was paid to agricultural workers. Referring to the Trade Unions (Amendment) Act, he said the employer was required in certain cases to recognise more than one Union which might lead to chaos. He suggested that the recognition clause should be suitably amended so as to provide that the largest Union in the industry could be recognised by the employers. Referring to the inclusion of holidays with pay clause in the Factories Act, he pointed out that in some parts of the country it was found very difficult to avail of that amendment and suggested that the clause should be very clearly worded so that there might not be any loophole regarding its interpretation in future and that the rule regarding payment should also be very clearly defined since great difficulty had been experienced mainly by the piece workers whose wages differed from wage period to wage period. He opposed the idea of including holidays and Sundays in the ten days leave with pay and stressed that the leave should be for clear 10 days. Referring to the Fines Fund created under the Payment of Wages Act, he suggested that the Fund should be utilized for the workers with the advice of the Chief Inspector of Factories but the workers' representatives should also be associated in the matter of advising the employer. He drew attention to the delays that took place as a result of the employers' tendency on some pretext or the other to have recourse to civil law in matters of payment of bonus, etc., even after awards were given by Adjudicators' or Arbitrator's Court and requested the Government to provide the workers with a machinery which may not be disturbed by resort to other machineries established under the civil law.

He was of the opinion that the Factory Inspectorate was very inadequate and suggested that the number of Factory Inspectors should be increased. They should be given proper training and certain forms should be prepared to be filled in at the time of their inspection so that there might not be any omission with regard to any clause of the Act. He felt that if the machinery on Industrial Relations had been more alive, the number of disputes would have been less.

*Sri Ramananda Das* suggested that Government should speed up proper legislation for the amelioration of the condition of agricultural workers and remarked that steps so far taken by Government were not enough. Drawing attention to the conditions of workers in the tannery and leather industry, he stressed that a tripartite machinery should be set up for taking steps to improve them and to enact proper legislation. Referring to the bad condition of hospital workers who were not covered by the Industrial Disputes Act and whose case was still pending in the High Court, he felt that steps for enacting proper legislation appeared to be called for.

*The Hon'ble Sri K. T. Bhashyam* congratulated the Chairman on the enunciation of the policy that labour should be treated as an honourable partner in the production of national wealth and in the rendering of national services. He suggested that it would be better if Government could insist on only one association for every undertaking being recognized and pointed out that that experiment was tried in Mysore. He stressed that there should be a uniform procedure in all Provinces and States which would enable all the awards to be implemented without much ado. He felt it was very desirable and necessary that uniformity should be maintained in the Employees' State Insurance Bill. He agreed with Mr. Vasavada that the Labour Officers should be under the direct control of the Government and suggested that considering the dearth of good personnel Government should start some training centres for Labour Officers. He hoped that the Works Committees and Production Committees would minimise the delays which occurred in conciliation, negotiation and arbitration proceedings. He suggested that with a view to educating labour in their responsibilities, Government Labour Publication Department should issue pamphlets in simple vernacular stating their responsibilities, setting out their rights, and suggesting peaceful resolution of their disputes, etc., and that reliable labour statistics for the whole country particularly those relating to employment, unemployment, attendance, absenteeism, wages and earnings, should be maintained and exchanged. He urged that the question of old age pensions and unemployment insurance should be tackled immediately and, as a first step to that, workers maintained on the waiting lists of labour exchanges should be paid something, the burden being shared by the employers and the Government. He pointed out that the question of plantation labour was being tackled in Mysore while that of agricultural labour required immediate attention. He urged that the Employment Exchanges should be made permanent.

*The Hon'ble Mr. V. V. Dravid (Indore)* agreed that the new Factories Bill was quite satisfactory but pointed out that for the proper enforcement of the Act, it was very important that the staff of the Factory Inspectorate should be increased and steps should be taken for the proper training of the Inspectors and financial difficulties, if any, should be surmounted. Drawing attention to the bad conditions of labour in the Mica Mines in Udaipur, he stressed that the Central Government should take suitable steps to improve matters there. He felt that the drawing up of a questionnaire and the collection of data relating to agricultural labour on scientific lines would take long. He, therefore, suggested that an *ad hoc* scheme should be drawn up immediately. The questionnaire could be issued to the Provinces and States simultaneously and material collected and then long-range permanent schemes could be drawn up but something in the nature of immediate relief should be taken in hand immediately. As regards housing, he proposed that difficulties regarding non-availability of building materials could be got over by building cottages and that the Central Government should lend their help to the Provincial and States Governments where they were convinced that the schemes drawn up by the

Provinces were worth trying. He was of the opinion that the recognition of more than one Union would lead to chaos and suggested that it should be possible for all Governments to adopt one uniform measure, with local modifications, on the lines of the Bombay Industrial Relations Act. He was opposed to the idea of utilizing money in research and training from the accumulated funds in the Workmen's Compensation Insurance and suggested that for those purposes industry should come forward with their own contribution. He thought that the suggestion that all Labour Officers should be placed under the Central Government would mean excessive Centralisation and suggested that instead of being under separate units, the Labour Officers could be placed under the various Associations like the Millowners' Association, etc. He stressed the need for the Welfare Officers' training so that they could have some sort of professional etiquette which should be a sufficient safeguard against evil practices. He suggested that all Labour Welfare Funds should be administered centrally and not unitwise because otherwise there would not be any control over the utilization of the funds.

He strongly supported the Hon'ble Sri K. T. Bhashyam's suggestion that all the periodicals and publications of the Labour Bureau should be published in Hindi and other vernacular languages so that the lower ranks could know how their affairs were really being governed and handled. He hoped that it should be possible to make an immediate beginning regarding collection of statistics under the Industrial Statistics Act and that steps would be taken to avoid the time-lag between the publication of the statistics and the period to which they related.

*Mr. K. S. R. Shetty* felt that the legislative measures taken and the other activities in 1947 were quite inadequate. Referring to the Sickness Insurance Bill and the Factories Amendment Bill and the 48 hours week, he expressed the opinion that they had become out-dated by the time they became law. He stressed that a well-planned labour policy like the Industrial Policy, should have been formulated and that schemes for suitably employing unemployed men should be evolved. He regretted the lack of co-ordinated planning to harness the country's wealth. He refuted the allegation that labour was responsible for the fall in production. He pointed out that the Mysore Government were very slow in regard to their Legislative measures which were extremely inadequate and argued that but for the slow action of that Government many strikes could be averted. He criticised the circular issued by that Government to the effect that no labour Union could affiliate itself to any of the All-India Organisations without the previous sanction of the Mysore Government, as depriving workers of freedom of association.

*The Hon'ble Mr. K. Balakrishna Menon* expressed the opinion that while Labour Legislation would considerably help labour, it should be supplemented by the bargaining capacity of labour as a whole which implied that there should be complete unity among the labourers. He, however, felt that that was entirely wanting. He insisted that every member belonging to an industrial concern should necessarily become a member of one particular organisation in which, as was the case in England, no outsider should have any place. Drawing attention to the two separate Unions in Sitaram Mills in Cochin, he pointed out that practically speaking no member belonging to either of the Unions had any freedom and any one leaving one of the Unions and joining the other would have to do so at the risk of his life. He concluded by saying that labourers should be properly educated so that they could be politically minded and after that it should be left to them to join whichever party they liked.



*Mr. Jatin Chakravorthy* argued that it would be very difficult to have industrial truce in West Bengal unless the Provincial Government changed their weak-kneed pro-employers' policy. He urged that under the Industrial Disputes Act any employer not found to be implementing the awards of the Tribunals should be prosecuted and strongly criticized the West Bengal Government for sitting tight in spite of the fact that the prosecution of employers had been recommended by the Labour Directorate in three concrete cases. Referring to a Tripartite Conference held at Calcutta, he alleged that the employers' representative refused to sit with him and discuss the matter and the Labour Commissioner was helpless. He felt that so long as Industrial Courts were not set up in West Bengal, the Labour Directorate was entirely powerless. He hoped that the Hon'ble the Minister in charge of Labour in the Centre would try to remove the difficulties pointed out by him.

*Mr. T. Swaminathan* (United Provinces) pointed out that in the United Provinces a strike in the sugar mills had unusual and most disastrous effects. It would put thousands of cultivators to great inconvenience and loss and there would be no end of trouble. In spite of intensive propaganda by the Federation referred to by Prof. Shibban Lal Saxena (namely, the United Provinces and Bihar Chini Mill Workers' Federation), calling for a general strike in the sugar industry in the 1946-47 season, there were strikes only in 3 out of 69 mills. The enforcement of the Bhatia Committee's recommendations and the efforts of the rival Federation prevented a strike in the other mills. He pointed out that the United Provinces Government had asked the employers of the factory at Hargaon where there was a strike lasting for 6 weeks to employ substitute workers on a temporary basis so that the strikers could be re-employed when they chose to return. This was the factory in which Mr. Shibban Lal's Federation counted 1,400 members to the rival Federation's 200. The United Provinces Government had been most considerate to the members of Mr. Shibban Lal's Federation in facilitating their return in spite of going on a strike which caused thousands of cultivators serious loss and inconvenience. The United Provinces Government had fixed minimum wages for the sugar industry again for the 1947-48 season which was accepted by labour in general. The rival Federation again countered the effects of the Socialists and others to have a general strike and there had been no major strike. He asked whether any Government could have done other than recognise the only Federation which in successive seasons had delivered the goods and prevented strikes and whose agreements with the industry were thus proved to have been generally acceptable to labour. Referring to the contention that the United Provinces Government had ignored the Central Industrial Disputes Act and did something on their own, he explained that when a Provincial Act conflicted with a Central Act the assent of the Governor-General was required to be taken. In the case of the United Provinces Industrial Disputes Act that assent had been duly taken. Referring to the agreement entered into between the rival Federation and the Indian Sugar Syndicate regarding deduction from bonus, he pointed out that the Government was not in a position to prevent such agreements but that did not mean that the agreement received Government's recognition. In fact Government had advised the industry that such deductions would be unauthorised and illegal. He further pointed out that when it came to Government's notice that some factories were not implementing the agreement in the matter of paying bonuses, an order was passed making it obligatory on every factory to pay the bonus to all workers, no distinction being made between the members of the rival Federation and the Federation of Professor Saxena. He refuted Mr. Awasthi's argument that Government did not act unless there was a strike notice. While admitting and regretting the delay in adjudication proceedings in the past, he pointed

out that the United Provinces Government were trying out the experiment of a new Conciliation and Adjudication machinery in which it was stipulated that no conciliation board should take more than 10 days to come to a decision on any dispute referred to it and in cases of appeal no industrial court should take more than 10 days to decide the appeal. He felt gratified that the United Provinces was the first province to take powers to take over the management of concerns if the employers were recalcitrant. He, however, stated that the proposal that the Labour Officers appointed by the employers should either be under the control of the Labour Commissioner or alternatively, the employers should make the money available to Government for appointing suitable Labour Officers, had been put to employers by Government but was not found acceptable to them.

*The Hon'ble Sri Pradhan* requested the Hon'ble the Labour Minister that the Orissa Government should be represented on the Colliery Committee especially in view of the fact that the collieries in Sambalpur were being administered by the Orissa Government. Drawing attention to the housing conditions of the workers in the quarries in the new States areas, he urged that the Central Government should press the private companies to build proper houses for their workers. He also pointed out that the private-owned collieries were not giving soap, oils, sugar, etc., to their workers in spite of the award of the Conciliation Board.

*Mr. S. Lall* referring to Mr. Jain's contention that it was not right for the Legislature to make radical changes when a matter was considered in the Tripartite Conference or the Standing Labour Committee pointed out that the Tripartite Conference was an Advisory Body whose advice was communicated to the Government, but that the Legislature was a sovereign body and as such it would be difficult to prevent it from making the changes. He, however, agreed to bring prominently to the notice of the Legislature in future all points of agreements reached at Tripartite Conferences. While admitting that there was lack of uniformity and co-ordination between the Centre, the Provinces and the States, he pointed out that it was not due to any lack of desire on the part of either the Centre or the Provinces to co-ordinate and co-operate but that it was due to the physical defects and to the delays in postal communication. The defects in the Industrial Disputes Act were being examined and the question of the revision of the Act would be taken up in due course. He explained that the Ministry of Labour's Memorandum on the Factories Bill was placed before the Standing Labour Committee and the Conference and that all points raised were borne in mind while drafting the Bill. He assured the House that all views expressed by the All-India Trade Union Congress or by any other organisation would be placed before the Select Committee. He pointed out that the training of Factory Inspectors was done in three ways—the first being a regular course for beginners to which a reference was made in the Report, the second, refresher course and lastly, memoranda on various points were being circulated to the Inspectors for their information. He, however, agreed with Mrs. Mookerjee that the number of Inspectors was small. He pointed out that the difficulties in speeding up the housing of coalminers were that apart from the difficulty in getting coal free land, there was the difficulty of land acquisition in the Dhanbad area and in Asansol and there was also considerable opposition from the rural population who did not wish to give up their land. He explained that steps were being taken to overcome those difficulties and hoped that the progress would be better. He gave an undertaking that in future up-to-date reports regarding the progress in regard to pithead baths and other welfare schemes would be published in the *Indian Labour Gazette*. He assured Mrs. Mookerjee that when any scheme regarding the unspent accumulation under the War Injuries Scheme would be drawn up it would be placed before the Standing

Labour Committee or the Conference for being considered by them but pointed out that the Scheme was being held up because there was dispute as to whether the money was entirely available or not and how much of that should be paid to Pakistan. The various Industrial Committees set up, he said, had started functioning only recently and he hoped that some satisfactory method of co-ordinating the work of those committees either through the Standing Labour Committee only or by Special Committee of the Labour Conference would be devised. Pointing out that the delay in getting the Provincial reports on the working of the Acts was due mainly to delay in printing, he stated that he was trying to have details of all reports published in the *Indian Labour Gazette* as soon as they were known to Government. He further stated that attempts were being made to issue a series of pamphlets in Hindi and other suitable vernaculars and so far as the Central Government's undertakings were concerned, the Government were adopting the policy of appointing Labour Officers who were selected by the Ministry of Labour and not by the department responsible for running the administration.

## ITEM II—A SURVEY OF THE PRESENT POSITION IN REGARD TO WORKS COMMITTEES.

(Memorandum is at Appendix II.)

*Sri Shantilal Shah* suggested that it would be better if the election of the workers' representatives on the Committees was conducted by the Labour Officers of the Provincial Governments or the Central Government and that the Chairman of the Works Committee should alternatively be a person from amongst the representatives of the employers and of the employees.

*The Chairman* pointed out that if the Labour Officers were to be present at the elections, considerable delay would take place in setting up the Works Committees and that was the reason why it was not provided in the rules. In reply to Mr. Gandhi's suggestion he pointed out that the setting up of Works Committees within a stipulated period of time had already been taken up with the various employing departments.

*Mr. S. K. Chatterjee* pointed out that the rules for the constitution of Works Committees in West Bengal had been finalised and the elections were in progress and the secret ballot method was being followed. He, however, wanted a directive from the Government of India as to whether the West Bengal Government was right in adopting the secret ballot method.

*Mr. P. K. Sen* said that in Central Provinces there were Works Committees working under the Central Act mostly in the textile mills and one or two in the mines, but the Provincial Act also provided for Works Committees, the constitution of which was slightly different. He suggested that it would be better if both the employers' and workers' representatives came together and elected the Chairman.

*Dr. B. R. Seth* stated that out of 20 undertakings in which Works Committees were to be constituted, these had been formed in 13 and in the remaining 7 they are expected to be constituted within a fortnight. He, however, apprehended some difficulty in their actual working because of the vagueness of their functions and stressed that something should be done to define them clearly.

*Mr. S. T. More* pointed out that under the Bombay Act, there was a provision for Works Committee on a voluntary basis but in the amended Act it was compulsory.

### ITEM III—REPORT ON THE ACTIVITIES OF THE DIRECTORATE-GENERAL OF RESETTLEMENT AND EMPLOYMENT.

[Text of the Report is at Appendix III(i) and (ii).]

*Sri P. R. K. Sharma* said that Employment Exchanges were very necessary for modern society and specially in India an efficient Employment Exchange Organisation had become all the more necessary after the War. He pointed out that although India was one of the earliest countries to adopt the International Convention on Employment Exchanges which was adopted as early as 1919, she could set up Employment Exchanges only during the War. He was of the opinion that the Employment Exchanges were serving the objects for which they were established and would be very useful. He suggested that the Sub-Regional Employment Exchanges should be more active and their Advisory Committees should meet oftener. There should be complete co-ordination between the Provincial Committees and the District Committees and steps should be taken to make the private employers more Exchange-minded. He felt that Exchanges could be profitably utilized only if there was proper co-ordination between the Central and the Provincial Organisations and suggested that their continuance should be unanimously accepted.

*Mr. Manek Gandhi* expressed the opinion that within a short period of 3 years the organisation had done very useful work and that with suitable alterations, it would be able to put in much better results and to serve the workers to a greater extent. He felt that there should be public Employment Exchanges which could help workers wanting jobs and employers wanting men by bringing them together and thus eliminate the middlemen and the contractors. He suggested that the employers should submit all their demands to the Exchanges and in order that there may not be a vacuum after the expiry of the present tenure of 5 years and the staff appointed might feel secure, the organisation should be made permanent. Drawing attention to the resolution passed at the last meeting of the General Advisory Committee that the Provincial Governments and the Government of India should take steps to open at least employment office in each revenue district, he hoped that that resolution would be accepted by the Government of India so that it would not be difficult for the workers to use them and they also might not have to run great distances to register themselves. He further hoped that the Government of India would keep in each revenue district a sufficient number of mobile vans so that people in the round-about towns wanting to register themselves could be contacted. He said that the Exchanges should not send any men to any employer who offered less than Rs. 30 per mensem. The local municipalities and other semi-Government organisations where the wages were low should be asked to take immediate steps to raise the standard of wages and that if the employers made any stipulation that the workers in technical or skilled jobs should belong to a particular community, no worker should be supplied. He was of the opinion that the training given to workers should be on uniform lines, supervised and co-ordinated centrally and planned and organised on a national basis, the Provincial Governments taking over the training centres after the completion of the training of *ex-servicemen* and refugees. The Central Institute for the training of the craftsmen and instructors should be made permanent.

*Mr. P. Venkat Rao* regretted that the Government had not made up their mind regarding the future of the organisation which was a vital problem. He was of the view that the employment service should be retained and its scope extended to all categories of workers, especially because the number of unemployed and half-employed was of the order of two crores

and it was the primary duty of the State to find employment for its citizens. He stressed that there should be an Employment Exchange in every district, and Government should pass an order that some unemployment allowance should be paid to all registered applicants till they got suitable jobs and that the employers should be asked to contribute towards the maintenance of the Exchanges which were serving them as well. He also suggested that the scope of the training centres should be extended so that a large number of people could be trained and Government should provide capital to the trainees at least on the principle of getting it back by instalments. He further proposed that co-operative institutions should be started, as in Madras, to absorb the trainees at the earliest opportunity.

*Mr. Shanti Prasad Jain* quoted the figures of employment seekers and those provided with employment and suggested that the Exchanges should keep notes of the professions or of the business which the people, who had registered themselves but were not provided with jobs, were carrying on since that information would be helpful in the future development of the Exchanges.

*Dr. N. Das* expressed his gratitude to the members for their valuable suggestions and for the general feeling of the Conference that the organisation had done such valuable work and had such potentialities of doing further valuable work that it should be made permanent. He pointed out that although the training and apprenticeship of craftsmen for industry was a Provincial subject, the Government of India felt, as had been stressed by the Advisory Committee on Technical Training, that there should be some degree of Central co-ordination, guidance and inspection. It appeared that the Conference was of the same opinion. He pointed out that the Government of India wanted that the Provincial Governments and the industry should realise the need for having a Central Technical Institute for the training of Instructors. He concluded by assuring the House that the various points raised would be borne in mind and discussed at the meetings of the Central Employment Advisory Committee.

*Mr. R. M. Sundaram* pointed out that since the supplementary note on the item on the Agenda was handed over to him after he reached Delhi it would not be possible for him to commit his Government.

*Mr. S. R. Bose* pointed out that he had no time to consult his Government in the matter.

*The Hon'ble Sri Prithvi Singh Azad's* suggestion that the question should be discussed by the Labour Ministers was accepted.

#### ITEM IV—ACTION TAKEN ON PREVIOUS DECISIONS OF INDIAN LABOUR CONFERENCES AND STANDING LABOUR COMMITTEES.

[Statement submitted before the House is at Appendix IV(z) and (ii).]

*Mr. Jatin Chakravarty* felt that the memorandum on the subject left ample room for constructive criticism and sufficient scope for improvement. He did not feel happy with what was given in the memorandum on subject No. 1 regarding Orissa, United Provinces, Baroda and Indore. Referring to subject No. 2 he pointed out that it appeared that there was a lack of seriousness on the part of the Provinces in carrying out the decisions of the Conference. Making special reference to West Bengal regarding collection of labour statistics, he pointed out that although Mr. Chatterjee gave a long list of different heads under which statistics were being collected, according

to subject No. 3 only family budget enquiries were in progress and no statistics regarding wages and earning were being collected and the Judges of the Tribunals did not get the benefit of the Statistical Bureau and had to reply on his organisation for statistical data. Referring to subject No. 5, he proposed that it should be laid down that rules should be finalised within four months of the passing of a legislation. Subject No. 6 was very vague and he said that there should be more tables on the subject in the report. He was of the same opinion regarding subject No. 11 and in regard to subject No. 14 he thought that several references were unnecessary. He pointed out that although it was decided in one of the Tripartite Conferences that payment should be made for involuntary unemployment no reference to it was made in the report.

*The Chairman* replied that it was being paid at least in one industry and might be paid in others also.

*Mr. Manek Gandhi* suggested that the report should contain some definite statistical information. He wanted to know the reasons why the fair-wage clause about which a recommendation was made in 1943, the Industrial Statistics Act which was passed in 1942, and the Standing Orders Act of 1946, were not implemented and suggested that the Report would be appreciated if it would contain information regarding the number of concerns in each Province which had adopted the Standing Orders and of those which had not and that it should contain every detail. He suggested further that the Government of India should ask the Provincial Governments to collect statistics regarding the number of cases in which work was stopped and workers could not get employment, the number of workers and the number of concerns affected and the number of concerns and factories in which the workers had been able to get the relief for involuntary unemployment.

*Sri Shantilal Shah* drawing attention to the replies regarding the possibilities of Welfare Trust Fund for industrial employees felt that they were mostly discouraging possibly because the employers were under the belief that they would be out of pocket. He suggested that the Fines Fund which was being collected under the Payment of Wages Act could be put into a Welfare Trust. Similarly the lapsed amount from the Provident Fund and the unpaid wages could also be put into the Welfare Trust Fund.

*Mr. V. Ramanathan* pointed out that in view of the undeveloped state of industries in Orissa, labour problems in the Province had not assumed the same importance as in other provinces. With the accession of States, however, the problems had increased and the Provincial Government were developing a kind of Tripartite Committee on the basis recommended by the Government of India in the last Industries Conference.

*Mr. N. S. V. Aiyer* drawing attention to Mr. Shah's remarks regarding unclaimed wages, pointed out that so far as the Bombay Cotton Mills were concerned, the unclaimed wages were going to a Welfare Fund.

*Mr. S. R. Bose* explained in detail the action taken by the Bihar Government in regard to housing. Referring to payment for involuntary unemployment, he pointed out that the Provincial Government had been trying their best when complaints regarding wagon shortage and consequent unemployment were received, to move the Government of India to place the requisite number of wagons at the disposal of the firms and that where factories had actually closed down due to want of raw materials, fuel, etc., the Provincial Government were guided by the circular issued by the Government of India regarding payment of compensation to the workers. He, however, pointed out that that circular related to conditions during War. It was stipulated that no compensation need be paid where sufficient

notice could be given to workers and that only certain types of unemployment, namely, those arising from want of raw materials, fuel, etc., were covered, temporary unemployment due to break-down of machinery being not covered. He hoped that the shortcomings of the Government of India's circular would be removed soon. Referring to the difficulty of small employers in making payments, he suggested that each industry should introduce some kind of insurance scheme whereby in return for a certain premium paid by each factory or mill whenever they were compelled to shut down temporarily, sufficient funds could be made available from the Insurance Fund for the payment of compensation to workers. Referring to the suggestion that the Fines Fund should be utilized for welfare, he pointed out that in Bihar most of the industries had practically given up the method of punishment by fines.

*The Hon'ble Sri K. T. Bhashyam* enquired what was intended to be done to see that the Provinces and States should come up to the mark.

*Mr. K. N. Subramanian* replied that their default would be given publicity.

*The Chairman* stated that the Central Government would appeal to their good sense.

*The Hon'ble Sri K. T. Bhashyam* suggested that it would be better if the Centre pulled up the defaulting Provinces.

*The Chairman* assured the House that the various suggestions made would be kept in mind, especially *Mr. Bhashyam's* suggestion.

#### **ITEM V(A)—REPLIES AND COMMENTS OF THE GOVERNMENT OF INDIA TO THE I. L. O. QUESTIONNAIRE AND REPORTS.**

[Replies and comments are at Appendix V(i), (ii), (iii), (iv) and (v).]

*Mr. Manek Gandhi* referred to item VA(a)(i) and felt that the Government of India's reply to question 3, sub-clause 2, was not satisfactory and suggested that all public contracts for supplying goods should be given only to those firms which had a general certificate of fair conditions so that all workers could get the advantage of the fair-wage clause. He urged that in the case of national emergency the fair-wage clause should be suspended only after consultation with and with the agreement of the workers' organisations. Referring to question 13 and the reply thereto, he pleaded that the proviso put in the reply should be deleted because if at a particular place the conditions of work fell below standard, it was the Government's duty to see that those should come up to the standard. He felt that the reply to question 20 was a long-winded one and argued that the answer should be straightforward and workers should get the guarantee that the contractors would pay them the proper wages and would not run away. Referring to item VA(a)(ii), he urged that the word "awards" should be added to question 3(a)(i), and that no exemption should be given regarding gratuity payable on discharge and that some time-limit should be fixed within which the gratuity should be paid. He was of the opinion that no payment should be made in kind. He felt that in reply to question 9(b)(iii), Government should say that it would be possible to take appropriate measures to ensure the sale of goods at fairly reasonable prices. In reply to question 12(a)(i) it should have been emphasized that workers should be fined only in case of grave negligence or in case of intentionally causing damage to machinery. As regards sub-clause (iii) of question 13, he was of the opinion that the proceeds of the fines should be used exclusively for



the use of the factory concerned and not for making a general fund. The reply to question 14 should have been in the negative since it should be the Government's duty to see that no deduction was made for tools supplied to workers. He concluded by saying that the provisions covered by questions 25(b), 26 and 27 should be embodied in Conventions and not Recommendations.

*Sri Shantilal Shah* said that the words "any gratuity payable on discharge otherwise than in pursuance of an award of a Court" should be substituted for the words "any gratuity payable on discharge". Since wages were being at present determined by the Wage Boards and by Arbitral Tribunals, it might be difficult to recover the wages awarded by the Tribunals if the words "under a written or unwritten contract" were there. Referring to wages as a privileged debt, he said that a measure regarding protection of wages should include a provision that in case of manufactured goods, the wages should have priority over a mortgage debt.

*Professor N. G. Ranga* referring to item VA(a)(ii) relating to payment of wages in kind and All-India Trade Union Congress's remarks on Government's reply thereto, stated that he was in favour of Government's observations, viz., that payments of wages could be made in kind.

*The Hon'ble Sri K. T. Bhashyam* suggested that in the reply to part (c) of question 14 of the questionnaire entitled "freedom of association and the protection of the right to organise" the wording may be "conduct their activities in a peaceful and democratic manner". This was accepted.

*Mr. Manek Gandhi* said that instead of two Conventions there should be only one since the right of organisation and the protection of the right to organise were inter-linked. Moreover, although the Government of India might ratify both the Conventions, yet, since it was an international matter, it would be better to have only one Convention. He expressed the opinion that the reply to question 3(c) should have been categorically in the affirmative as the qualification proposed by the Government would go against the interest of the workers. He did not feel that the qualifications made in the reply to parts (a) and (b) of question 4 were necessary, since Trade Unions were legal organisations which worked and functioned according to the law of the land and if the qualifications were allowed to stand, different authorities would interpret them in various ways and thus put unnecessary restrictions on the Trade Unions. He also urged that the qualification given in reply to question 6 should go. He felt happy regarding the reply to question 14(a) but suggested that the words "political opinion" should be added.

*Sri Shantilal Shah* was of the opinion that in the present political conditions it would be dangerous to allow the security services of the State like the police and the army to have the right to strike and thus paralyse the administration. He opposed Mr. Manek Gandhi and said that the proviso given in the reply to question 4(b) should stand. Referring to Mr. Gandhi's suggestion that in the answer to question 14(a) the words "political opinions" should be added, he said that since political opinions were borrowed from foreign countries those words need not be added.

*Professor N. G. Ranga* drew attention to the happenings when the police strike was organised in Burma, a similar strike in Bihar and the non-gazetted officers' strike in Madras and warned the Conference of the dire consequences that were likely to follow if Government officials were to be given the right to strike. Referring to the functioning of organisations he wanted the word "democracy" to be introduced there. He agreed with Government that the word "security" should stand in the reply to question 6 because there might be a number of International Organisations which



might be interested in giving a kind of a mandate, open or secret, to their various national branches to upset the national conditions, the national security and the national peace. He was in complete agreement with the Government stand regarding responsibilities of organisations. He agreed with the Hon'ble Sri K. T. Bhashyam's suggestion that the word "peaceful" should be added to the reply.

*Professor Shibbanlal Saxena* protested against the Government's reply to question 3(c) since it cut at the root of the various organisations. He felt that the mere denial of the right itself might prove to be an incentive to strike. He argued that the reply should not have been given without consulting the Constituent Assembly.

*The Hon'ble Sri Gulzarilal Nanda* pointed out that if everything could be left to be governed by the common law of the land then there was no need to have a special Convention for guaranteeing certain rights of the workers. Once, however, the necessity of protecting the workers against the employers was taken for granted, then it was obvious that there should be some safeguard against the abuse of those rights. Rights implied obligations and when the State was prepared to intervene on behalf of the workers, the latter in their turn should agree to subject themselves to certain restrictions. He further pointed out that all the employees of the Bombay Government in the Secretariat and in the administrative departments had their own federations and that the Government had recognised them on the condition that there would be no strike. In cases of disputes, however, when Government could not agree with the Federations, the disputes were referred for arbitration and if Government were unable to accept the award in its entirety the matter would be referred to the Legislature whose resolution would be binding ultimately.

*Mr. N. D. Sahukar* felt that the management would not receive any sort of guidance from Labour if at every stage they were to consult the Workers' Committees on questions of organisation and general conduct specially because labour was not properly educated and as such Government had not done the right thing in agreeing to the embodiment of that principle in international regulations in answer to question 12. He suggested that Government should withdraw their assent.

*Mr. Manek Gandhi* referred to question 8 of the Union Security Clauses and felt that if the workers in a particular city or particular industry wanted to have a "closed shop" they should be allowed to have that right. He drew attention to the fact that in America and Australia, the workers had got that particular right and urged that it would be unfair to the workers if the Government of India's reply to the question was in the negative. Referring to Government's reply to question 13, he said that Government may have reasons of their own in not permitting them to go on strike but expressed surprise that they had no right to organise and to bargain collectively. Referring to question 8(b) he said that if the words "appropriate guarantees" were deleted, there would be no provision for appeal and as such those words should be retained and the Government's answer should be amended suitably. Referring to question 4 and the reply thereto, he suggested that the period of each state of procedure should be fixed. He expressed the opinion that the Government should accept that Works Committees should be formed in all concerns where 50 or more persons were employed and that the number might be even reduced at a later stage.

*The Hon'ble Sri K. T. Bhashyam* agreed with the answer given to question 8 and argued that those who opposed it were really restricting the right of the workers. He felt that it was better to say "it is incompatible to provide for such a restriction." He agreed with the reply to question 13. Referring to question 4 of questionnaire III, he felt that if, as suggested by

Mr. Gandhi periods were fixed for different stages of the procedure, there would be further delay. He suggested that the reply to question 4(a) and (b) of questionnaire IV should be reversed since every election meant much of heat and turmoil.

*Sri Shantilal Shah* referring to question 8 regarding Union Security suggested that where Union had an approved membership of 50 per cent. and there was voluntary agreement between the Union and the employers, there might be a "closed shop" agreement between the employers and the employees. He agreed with the Government of India's answers to question 13. Referring to the question on appointment of representatives of personnel, he argued that the secret ballot method might bring in people having affiliation to different parties and as such it would be difficult to make anybody responsible for implementing the agreements reached. He, therefore, suggested that it would always be better to negotiate with the Union having the largest membership and capable of delivering the goods.

Referring to question 12, obligations of managements, he pointed out that the only right asked for was for consultation and felt that it would be better if it was emphasized that the employers must come to an agreement with the Committees in order to conduct their organisation. With regard to submission of accounts, he stressed that there should have been the right to criticize them as well.

*Professor Shibbanlal Saxena* pleaded instead of Union representatives being members of the Works Committees all the workers' representatives should be directly elected.

*Mr. Ardes̄hir Dalal* drew attention to question 10(b) of questionnaire IV and expressed the hope that it was accepted that the reply should be slightly amended so as to read as follows:—

"(b) to give opinion regarding the method of engagement and dismissal of employees....."

*Mr. N. K. Dravid* (Bombay) supported *Sri Shantilal Shah* in respect of question 4 and quoting from the Bombay Industrial Relations Act said that that Act gave complete guarantee that at any given time a particular Union having the largest membership was registered and was recognised as such. Dwelling upon the special merits of the Act he suggested that the system of indirect representation should be supported by the Government of India. He further suggested that the replies to question 4(a) and (b) should be more flexible and that it should be made clear that this would vary according to the needs of Provincial Governments.

*Mr. P. K. Sen* pointed out that in Central Provinces the principle of indirect election was accepted where there were recognised Unions and that when there were several Unions none of which was recognised, a direct election was required to be held and as such he agreed with the Bombay Government's suggestion that replies to question 4 (a) and (b) should be more flexible.

#### **ITEM V(B)—REVISION OF CONVENTIONS OF THE I. L. O. CONCERNING PERSONS EMPLOYED IN INDUSTRY.**

[Text of the Conventions is at Appendix VI.]

*The Hon'ble Sri K. T. Bhashyam* referring to Article 7 regarding special provisions for certain countries, suggested that there should be no special provision but if any country insisted on having that, it should be limited to a period of 2 to 3 years. Referring to Article 9, he suggested that none below 16 should be permitted to work by night.

## ITEM VI—IMPLEMENTATION OF THE INDUSTRIAL STATISTICS ACT, 1942.

[Memorandum is at Appendix VII.]

*Mr. A. J. Elkins* refuted the charge that the employers were backward in the matter of statistics or that they were not statistically minded, especially because the whole of their business consisted of keeping the closest records. He felt that the statistics which the employers were supplying to various bodies were in many cases mere duplication and as such it would be better if all the information which was being submitted by them were shifted and correlated so as to ensure that the data supplied were being properly utilized and that thereafter there would be no difficulty in the regulation of the figures submitted to Government. He urged that on the Government side also there should be trained statisticians who would be able to detect errors in the returns submitted. Referring to the forms circulated by Government, he suggested that instead of "man-shifts" it should be "man-hours" in all of them.

*Mrs. Shanta Mookerjee* suggested the inclusion of cost of living index as one of the headings under which statistics should be collected and that considering the importance of the index it should have priority over other headings. Referring to the defects in the existing indices, she stressed that there should be a Committee of Experts on which labour should also be represented to consider the items to be included before cost of living indices were decided to be compiled and that the Government should have these indices for every province, different regions having different indices too. She felt that items like indebtedness, housing, etc., should also be the other headings under which statistics should be collected. She wanted to know the form in which statistics regarding industrial disputes were being collected at present voluntarily and stressed that all statistics collected should be as accurate and uniform as possible and that Government should lay down a standard which should be applicable to all the Provinces and States. She agreed that the primary compilation of statistics should be done by the Provinces under the directive of the Centre. Referring to the forms, she suggested that in Form A as under heading 3, information should be collected separately for men, women and children and that the returns regarding hours of work and earnings (Form B) should be monthly instead of quarterly, particularly for the major industries. With regard to weekly holidays to the workers employed in Tramways, Motor Transport, etc., she did not appreciate the necessity of the information in a monthly return. She also suggested that statistics regarding spread-over should be collected and that the statistics should be printed and published immediately after they had been compiled and a provision should be made in the rules to that effect. She wanted an assurance from Government that the proposal would not be shelved and that immediately a definite plan would be evolved to bring the scheme into effect.

*Mr. R. M. Sundaram* pointed out that the present staff for the collection of statistics was wholly inadequate and made it clear that if the co-operation of the Provincial Government was required, adequate financial assistance must be forthcoming from the Government of India.

*Mr. S. R. Bose* agreed that it was desirable to utilize the Act for the collection of labour statistics but made the following comments regarding the suitability of the forms drafted:—

(a) It should be clarified whether statistics were meant to be collected only from factories registered under section (2)(j) of the Factories Act or those under section 5 were also to be covered.

(b) The return in Form A could be collected quarterly but it should contain the figures for each month of the quarter.

(c) *Form A for the factories.*—The words “the first working day of the month” should be substituted for the words “the first of the month” in item 3 and the definition of working days should be clarified. He doubted whether figures of absenteeism due to sickness would be quite reliable. Referring to Form B for factories, he suggested that clear instructions for the classification of industry should be given. He did not see much point in distinguishing between boys and girls in item 5 and suggested that the words “or proposed to be made” in item 8 should be omitted. He proposed that the procedure to be adopted for the wage period which varied for different categories of workers in the same factory should be laid down in instruction (a). He felt that instructions (f) and (g) were not very clear. He agreed that the States should also co-operate in the collection of statistics. He, however, pointed out that without knowing what part of the cost would be borne by the Government of India and what part by the Provincial Government, it would not be possible to make any definite commitment.

*Mr. N. D. Sahukar* welcoming the proposal pointed out that the suggestion of Mrs. Mookerjee for monthly returns would be difficult to accept and agreed to Government's suggestion for having quarterly returns. He suggested that item 6 in Table (b) should be sub-divided into basic wages, overtime wages, allowances and other payments. Referring to the explanatory note, he urged that bonuses should not be excluded. He further suggested that there should be a provision for a separate column, viz., “Houses where provided” or “Rent-free quarters provided” or “Concessional rents provided” and that allowances like cycle allowances and clothing allowances should also be included and provision should be made to include free medical services.

*Professor G. D. Parikh* referred to the fact that attempts of some of the Provincial Governments for collecting statistics from the employers had failed and suggested that the employers should be made to understand the utility of correct statistical information. He agreed that the States should also come in.

*Mr. T. Swaminathan* (United Provinces) said that the United Provinces Government recognised the importance of statistics and accepted the responsibility for collecting the required information and to bear the cost as much as possible.

*Sri Shantilal Shah* referring to the absence of standardised occupational nomenclature pointed out that the Ministry of Labour in England had got a dictionary of industrial occupations which would be useful.

*The Chairman* replied that the Government of India had also compiled one.

*Sri Shantilal Shah* suggested that contract labour should be included in the statistics supplied. He was against inclusion of bonus in the returns. He was of the opinion that information about the capital employed in the industry should also be there.

*Dr. Mrs. Maitreyee Bose* suggested that maternity leave and maternity benefit should be added to the list of items of employment and unemployment and that statistics regarding the number of women of child-bearing age attending one particular industry, the number of women unattached, the number of women supplementing their husbands' income and the number of women required to support children should also be collected.

*Mr. P. K. Sen* suggested that the rents of dwellings should be included in the items. He agreed with Madras and Bihar that if the Provincial Governments found that they were unable to finance an elaborate statistical machinery they would have to come up to the Government of India for financial assistance. He agreed with the Indian National Trade Union Congress representative that the working out of the cost of living index for the whole of India and its compilation should be done Centrally on a uniform basis. He suggested that in Form A in columns 5, 6 and 7 both man-shifts and man-hours should be included and that in Form B, overtime wages, dearness allowances and other similar allowances should be given in separate columns.

*Mr. N. S. V. Aiyer* suggested that some means should be devised whereby duplication of information could be avoided. He suggested that a sub-committee should be set up which should draw up the forms keeping every Act in mind and then an officer-on-special duty should be appointed to contact all the persons concerned and finalise the forms after amending them in the light of the comments of the persons contacted. He did not think that any useful purpose would be served by discussing the forms at the Conference.

*Sri S. K. Chatterjee* pointed out that the West Bengal Government were already entertaining a fairly large staff for the collection of labour statistics and that they did not share the pessimistic view of Mr. Aiyer. He said that the States should also co-operate in the collection of statistics and agreed with the Government of India that in order to obviate the delay involved in central compilation it would be necessary to have the statistics compiled primarily at the Provincial headquarters. He made it clear that the West Bengal Government would not grudge the cost involved.

*The Hon'ble Sri K. T. Bhashyam* agreed that the responsibility for the primary compilation of statistics should be with the Provinces and the States and made it clear that the Mysore Government would not require any financial assistance in the matter. He did not think there was any point in going into all the details of the forms at that stage.

*Professor N. G. Ranga* stressed that information regarding agricultural labour had also got to be studied by the Statisticians. He pointed out that in the absence of necessary information regarding wage conditions and employment conditions of agricultural labour it would not be possible to administer the Minimum Wages Act and the Employees' State Insurance Act efficiently. He hoped that the Central Government would extend the Act to agricultural labour at an early date or bring in a new Act.

*Dr. B. R. Seth* stated that he did not think his Province would have to approach the Central Government for financial help. He suggested that absenteeism, both voluntary and involuntary, should be added to the list of items. He presumed that the Central Government would themselves be responsible for collecting statistics in respect of Central undertakings and suggested that a copy of all such statistics should be made available to the Provincial Governments. Referring to item 7 of Form A, he suggested that details regarding absenteeism due to shortage of raw materials, breakdown of machinery and other causes beyond the control of employers and employees should also be collected, particularly in view of the fact that such causes were becoming important points of dispute.

*Dr. B. Ramamurti* assured the House that he would keep the various suggestions in mind and pointed out that the forms would very soon be

sent to the various Statistical Officers for their final approval. He pointed out that the statistics proposed to be collected were to be collected under the method known as "Establishment Reporting," i.e., what could be obtained from the employers, and that in drawing up the forms, the registers prescribed by the Bombay Millowners' Association were taken as the ideal and that only those statistics which the employers could easily furnish from their muster-rolls and payment registers would be collected in the first instance. He further pointed out that under the Government of India's Cost of Living Index Scheme some 28,000 family budgets had already been collected from some 28 centres on uniform lines and that cost of living indices were being compiled, those for 8 centres being ready. He also stated that retail prices for 44 urban centres and 15 rural centres, 16 plantation centres were also being collected, and that proposals for having cost of living indices for some additional centres were being worked out. Referring to the suggestion that the returns should be scrutinised to see that they were accurate, he pointed out that the matter was discussed at the Inter-Departmental Committee for statistics which recommended that Provincial Governments should be equipped with a proper statistical section with trained staff and that was the reason why it was suggested that the compilation should be done by the Provinces. He argued that when statistics were being collected, it would be better if they were collected so as to be in conformity with Convention No. 63 of the International Labour Organisation. He also pointed out that before drawing up the forms, Government had studied what was being done in some of the Provinces and that the scheme was evolved by pooling the experience of the various Provincial Organisations.

*The Chairman* pointed out that in the various departments of the Central Government there were Statistical Sections and attempts were being made to co-ordinate the activities of the various statistical sections. It might be possible to form a Central Statistical Section. He hoped that in that case most of the objections raised by Mr. Aiyer would be obviated.

## ITEM VII—COMPULSORY PROVIDENT FUND FOR INDUSTRIAL WORKERS.

[Memorandum is at Appendix VIII.]

*Sri Ramananda Das* read out on behalf of the Indian National Trade Union Congress a resolution which was seconded by Mr. S. R. Vasavada recommending the adoption of a scheme for the institution of Provident Fund for industrial workers. The scheme recommended *inter alia* the following:—

- (i) All permanent workers should be eligible for joining such scheme;
- (ii) The rate of contribution should be 1/16th of the salary with an equal amount contributed by the employer;
- (iii) The administration of the fund should be on a unified basis either regional or industry-wise or both as may be suitable;
- (iv) The scheme should cover all industrial workers employed in a factory or other establishment employing more than 10 persons;
- (v) The question of linking up a scheme of insurance with such fund may be investigated;
- (vi) Employees' representatives should be effectively associated with the administration of the fund as trustees or as members of the Committee, as the case may be;

- (vii) The employers' contribution to the fund should be payable in full to the employees in case of death or retrenchment and in case of voluntary retirement after a minimum period of 5 years' service; and
- (viii) The lapsed, forfeited or unclaimed portion of such fund should be transferred to the Workers' Welfare Trust Fund.

*The Chairman* pointed out that until this item had been considered, it would not be in order to move a resolution and that there could be a resolution only if it was unanimous.

*Sri Shantilal Shah* pointed out that the proposed resolution was only an answer to the points (a) to (c) of the memorandum on the subject and these could be discussed.

*Mr. S. R. Vasavada* insisted that the Government should take up an insurance scheme when circumstances permitted them to do so. He said that the compulsory Provident Fund Scheme should be started as soon as possible and all permanent workers should be given the benefit of that scheme, every worker who had put in three months' service being considered permanent. While suggesting that the minimum contribution should be at the rate of one anna per rupee, he hoped that those liberal employers who were contributing at the rate of 1/10th or 1/12th of wages would continue to do so. He said that the administration of the fund should not be left for all time to the units but only for a stipulated period and thereafter it should be administered on a national basis and that the scheme should cover all establishments employing more than 10 workers. He further stated that the question of linking it up with a compulsory insurance scheme should be investigated and the report of Government placed before the Standing Committee at an early date.

*Mr. Ardeskir Dalal* said that although the institution of Provident Fund for workers was a very desirable measure to form part of a recommendation but considering the none-too-flourishing condition of industry in general at present, it might not be possible for all to introduce the scheme. He pleaded that a compulsory scheme was premature and, in any event, it was undesirable to mix up the Provident Fund Scheme with any scheme of life insurance. He felt that, if Government were not willing to bear a share of the burden themselves, the industry could also say so. He agreed that those industries which could afford should have a Provident Fund. He, however, felt that it was not the proper time to introduce a compulsory Provident Fund Scheme. If the scheme was to be introduced it should be by units only since conditions of different units even in a single industry differed considerably. He strongly opposed the moving of any resolution since so long as there was no unanimity of opinion, the conference could not pass any resolution on the subject. With regard to proposals made in the Government memorandum, he expressed the opinion that Provident Funds might be instituted separately for each unit, that it would be administratively impossible to have a central scheme, that the scheme might cover all permanent employees and that the rate of contribution might be fixed at 1/16th of the basic wage.

*Mr. Pitkar* stressed that the Ministry of Labour should set up some machinery or entrust the work to certain persons who should frame a detailed scheme for discussion at and adoption by a proper body. He did not think that the rate of contribution was of vital importance but that the question when an employee could join the fund was important and suggested that 23 days' work in 3 months' time should make a worker

eligible for membership. The administration of the fund should be on a national basis but unless and until that machinery was formed it should be left to units or Provincial organisations.

*Mr. D. C. Das* (Assam) suggested that the scheme should include plantation workers.

*The Hon'ble Sri Gulzarilal Nanda* pointed out that at the Standing Labour Committee the employers' representatives argued that the scheme might be too burdensome for the industry and that the main controversy ranged about the question of administration of the fund. There was some difference of opinion regarding the rate of contribution, which, however, was not serious and it appeared that there was practically agreement regarding the desirability of proceeding with the matter. The question of exemption was also discussed but no clear decision was reached. He personally felt that the question of industry being able to support the scheme had not much force in it. The question of organisation was only one of administrative convenience.

*Sri S. K. Chatterjee* fully supported the scheme and pointed out that in West Bengal the labourers' organisations had already put in demand for a Provident Fund before the Tribunals. He suggested that if it was considered premature to enforce a compulsory Provident Fund scheme in respect of all the factories a start might be made with the bigger factories. He agreed with the All-India Trade Union Congress that it would be better to administer the fund unitwise to start with.

*The Hon'ble Sri Gulzarilal Nanda* pointed out that in every case of dispute there was a demand for Provident Fund and as such the question should be dealt with on a uniform basis.

*Mr. N. S. Kajrolkar* supported the resolution\* moved by the All-India Trade Union Congress and felt that every good employer should welcome such schemes.

*Professor N. G. Ranga* pleaded with the employers that the scheme would be in their own interest as also in the interest of the country because the scheme would reduce absenteeism, increase production and create satisfaction among the workers thereby promoting industrial peace. He suggested that Government should devise a scheme by which a certain proportion of the responsibility of the administration of the fund would devolve upon the unit itself and the remainder upon the whole of the industry in that particular region or on the whole country. Referring to Sir Ardeshir Dalal's remark that the State was not willing to make its contribution, he argued that it was only right that industry which was making so much profit should make greater contribution than it was doing so far. He felt that the inefficient units which would not be able to bear the burden should go.

*The Hon'ble Sri Pradhan* said that the industry in Orissa was in initial stages and as such the qualifying period for membership should be widened.

*Mr. P. K. Sen* pointed out that the Central Provinces Government accepted the scheme and that they were in general agreement with the Indian National Trade Union Congress but they did not agree with them that it should be applicable to all factories employing ten or more persons. In view of the fact that 75 per cent. of the factories in Central Provinces were seasonal, he suggested that the Government of India should make a

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\*Text of the resolution moved by the All-India Trade Union Congress is at Appendix XI.



list of all the important organised industries which should come under the scheme or they might leave the matter to the Industrial Tribunals of the provinces concerned. He also suggested that the employers' contribution should be on a sliding scale.

*The Chairman* pointed out that a compulsory Provident Fund Scheme had been started in the coal fields of Bihar, Bengal and Central Provinces where labour was mostly casual and that if the scheme was successful it would not be difficult to introduce it in other industries as well. That might take about six months. In the meantime he would ask the Ministry of Labour to prepare a comprehensive scheme for other industrial workers and that he would expect the employers to persuade their other colleagues to reconcile themselves to the idea.

## ITEM VIII—DECASUALISATION OF LABOUR IN MAIN INDUSTRIES.

[Memorandum is at Appendix IX.]

*Sri P. R. K. Sharma* said that the problem of recruitment of labour had not received the close and careful attention it deserved. Referring to the system of "*badli*" labour in the textile mills in Bombay, he pointed out that it was a much abused system and that although such workers were doing as much work as permanent men, they were denied certain rights and privileges enjoyed by the permanent staff. He demanded that the system of casual labour should be done away with, especially in dockyards and in the harbours and similar other industries. He agreed that the scheme of decasualisation prepared by the Bombay Government was sound. He pleaded that the system of "*badlis*"; casual labour and temporary and contingent labour should go and whether the workers had work for twenty-four days in the month or not, they should be taken care of and given the same wage conditions as others, and when they had put in a minimum number of days of work, they should get all the privileges regarding leave, provident fund, gratuity, holidays, etc., like the permanent workers. He concluded by saying that the Bombay scheme should be adopted not only by the textile employers but other employers and Government.

*Mr. Manek Gandhi* supported Mr. P. R. K. Sharma and felt that the scheme could be put into operation in other industries as well by suitable modifications. He said that if the objectives were to be achieved it would be possible to do so only by making the scheme compulsory and not leaving it to voluntary agreement between the workers' and employers' organisations. He felt that it was very unfair not to give the worker any waiting allowances but to ask him to present himself at the mill gate every day and stressed that the necessary adjustments should be made to provide work to the workers at least for a few days in the month. He did not consider it necessary to have information regarding the name of the relative in a particular mill in clause 13 of Annexure I of Appendix IX. Referring to question 16, viz., membership of union, he was of the opinion that instead of having the name of the union it would be enough if the worker simply stated if he was a member of a Trade Union or not. The question regarding religion and caste of the worker in Annexure III of Appendix IX should be dropped. Dealing with the scheme and preparation of *badli* registers, he argued that once having taken a worker on the roll and then to throw him out would not be a proper thing.

*Mr. N. S. V. Aiyer* enquired whether the scheme was going to be introduced on a voluntary basis.

*The Chairman* replied that there was an understanding that at the initial stage the scheme would be on a voluntary basis.

*Mr. N. S. V. Aiyer* felt that there was a good deal of misunderstanding about the scope, extent and result of the "badli" system and stressed that so far as the Cotton Textile Industry was concerned the "badli" system should not be interfered with and that it was not necessary to try the decasualisation scheme there. He further stated that the scheme could be tried in some other industry and if found successful, the desirability of applying it to the Cotton Textile Industry would be considered.

*Mr. K. N. Joglekar* could not understand why there should be so much objection to the scheme from the side of the millowners, particularly because the scheme was proposed to be introduced on a voluntary basis, and no payment was to be made as waiting allowance. He expressed dissatisfaction with the scheme and expressed the opinion that it must be put on a scientific basis from the very outset.

*Mr. N. K. Dravid* (Bombay) pointed out that when the scheme was discussed at the Bombay Labour Advisory Board where the employers were duly represented, it was agreed unanimously that it should be tried out and put into effect forthwith in the Textile Industry. He was, therefore, surprised at the remarks of *Mr. Aiyer*. Dwelling upon the merits of the scheme, he pointed out that it would not merely be in the interests of labour but it would also help industry in reducing the size of the unemployed at any given time by having a common pool for all the vacancies in all the mills. He said that the suggestions regarding modifications of the form would be acceptable to the Bombay Government and that the deletion of the name of the Trade Union would be considered.

#### **ITEM IX—IMPLEMENTATION OF THE RESOLUTION ON INDUSTRIAL TRUCE ADOPTED AT THE INDUSTRIES CONFERENCE IN DECEMBER 1947.**

[Memorandum is at Appendix X (i) and (ii).]

*Mr. S. Lall* initiating the discussion said that the points which arose were—

(i) Whether the machinery suggested by the Central Government was suitable or there were any other suggestions.

(ii) If the machinery was to be set up, how should it be co-ordinated with the existing machinery consisting of the Labour Conference, the Standing Labour Committee and the Industrial Committees which had been set up. While inviting the members to make suggestions for implementing the resolution, he pointed out that it would be impossible to arrive at agreed conclusions in the Conference but Government would have to set up a machinery to examine the suggestions made and thereafter to set up the machinery for the working of the Truce as speedily as possible. Explaining the significance of the resolution, he appealed to the members to avoid anything that might create heat or bitterness and any recrimination for past actions but to look only to the future.

*Mr. A. J. Elkins* drawing attention to the clause dealing with the resolution of industrial disputes pointed out that although the intention of the Central Government appeared to be that adjudication should be resorted to only in the last resort, the West Bengal Government was playing with it on every possible occasion. Referring to the dearth of competent and experienced men whose awards would build up a sound body of case law dealing with industrial disputes, he expressed the opinion that most of the Adjudicators appeared to think that their first duty was to arrive at a compromise rather than to base their awards on what justice or the economic background dictated. He urged that high power Industrial Tribunals should be set up not only to deal with important disputes but also to act as Courts of Appeal against dangerous decisions of the *ad hoc* tribunals and that the appointments of assessors should be made obligatory in future. As regards the machinery for the study and determination of fair wages and conditions of labour and of fair remuneration for capital, he urged that those matters would have to be considered against the background of hard reality, namely, inflation, sellers' market, etc., and warned that industry should not be overburdened in such a manner that it could be outpaced by internal and external competitors. He assured the House that he would do his best to help the Works Committees to function satisfactorily. He wanted the Government to give some clear indication regarding their needs for housing and argued that many projects of the employers were delayed in their execution either because of a complete uncertainty as to Government's policy or because no priority was accorded to employers or their contractors to secure the necessary materials.

*Dr. Mrs. Maitreyee Bose* welcoming the Truce Resolution, read the following resolutions of the Indian National Trade Union Congress urging upon the Government:—

(i) To undertake further legislation for the solution of industrial disputes on the lines of the Bombay Industrial Relations Act particularly in relation to Works Committees, Wage Boards and methods of conciliation and arbitration;

(ii) To provide for the determination of the minimum and fair wages and sharing of profits and regulating conditions of labour through Central and Regional Wage Boards for industries in general and for particular industries;

(iii) To announce within a period not exceeding one month, clear and definite principles governing the extent and method of participation by the workers in the profits of industry and to take steps for the implementation thereof.

She recommended the following method for ascertaining the fair share of labour and capital in such profits:—

(i) The Managing Agents' commission should not exceed Rs. 50,000 in any year.

(ii) Depreciation should be allowed on the basis accepted by the Income-Tax Authorities.

(iii) After the net profits are ascertained on the usual basis modified as mentioned above, a return varying from 3 per cent. to 5 per cent. may be permitted on the paid-up capital plus one-half of present and future

reserves, provided that the maximum return does not exceed  $7\frac{1}{2}$  per cent. on paid-up capital and half of existing reserves. The surplus should be shared equally between labour and capital which be paid partly in cash and partly in the form of schemes of social welfare in the case of labour and industrial improvement in the case of capital.

The profit-sharing scheme should be made applicable to profits declared and distributable after 1st January 1948.

(iv) To undertake construction of houses and avoid the delay which is causing grave concern and unrest among industrial labour. The Conference urges the Government to reassure the workers of its anxiety to carry out the housing programme with utmost despatch and lay down stages for its completion.

Referring to the departments directly managed by the Central Government and particularly to the Ordnance Factories in Bengal, she alleged that beneficent orders were usually kept by the Superintendents in their pockets and issued only when there was a threat of strike or some trouble. She urged that the Government should control such Superintendents. She also pointed out that delay in implementation of the Pay Commission's award and sudden retrenchment and down-grading of people were causing considerable unrest and that the employers' misinterpretation and non-implementation of awards were also impeding industrial truce. Referring to the proposed Advisory Committees, she urged that there should be Wage Boards which should be tripartite bodies with executive power. She pleaded that there should be some legislation by which recalcitrant employers not implementing the awards could be punished in an exemplary manner.

*Sri C. P. Gopala Panicker* pointed out that the question of profit-sharing was considered at a Tripartite Conference held in Travancore. Though the employers opposed it, they expressed willingness to pay a lump sum bonus to workers. The whole question, he said, was proposed to be discussed at a second Tripartite Conference soon. He further pointed out that Industrial Relations Committees consisting of an equal number of representatives of workers and employers have been constituted in the State in order to stabilize friendly relationship between labour and capital and that they were functioning on the principle of self-government in industry.

*The Hon'ble Sri K. T. Bhashyam* suggested that the conditions of agricultural labour should be made more attractive so that the acuteness of the problem of industrial labour might be lessened and the tension in industrial areas might be removed. Referring to the rivalry among the Unions, he suggested that one way of getting over the trouble would be to have only one association for every undertaking. He further suggested that there should be regional Wage Boards industrywise for settling what fair wages should be paid. He stressed that the employers should take labour into confidence and give them a place in management and in maintaining the accounts and sharing the profits. He felt that one of the causes of industrial unrest was lack of education of workers and urged that proper steps should be taken to educate them. The employers would have also to be educated to look upon labour with more kindness and to adjust themselves to the changing times. He requested Government to take up the construction of houses immediately and instead of going in for granite walls, etc., he suggested that cheap houses with sufficient

accommodation and sanitary arrangements should be attempted. He pleaded that Government should have power to take over those concerns in which the employers failed to implement the awards.

*Mr. P. K. Sen* pointed out that at a meeting of the Central Provinces Labour Advisory Committee held on the 3rd January 1948 to consider the resolution, the labour representatives contended that it was not binding on them but agreed that it was a move in the right direction. He then read out the resolutions\* passed at that meeting and stated that several sub-committees had started functioning and that a general minimum wage for unskilled workers in miscellaneous industries and for the common labourer in agriculture had been proposed. He further pointed out that methods of improving the existing conciliation and adjudication machinery had been proposed. As regards housing, he stated that the workers had been asked to build their own houses in laid out plots allocated by Government with assistance by way of loans either from the employers or from the Government. He refuted the charge that the Provincial Governments were to blame for delays in settling disputes and pointed out that the Truce Resolution could not be implemented because the employers and the employees were claiming their rights and closing down their shops or resorting to strikes. While agreeing generally with the machinery proposed by the Government of India, he claimed for the Provincial Governments that there should be some flexibility and latitude for setting up a machinery or constitution. He stated that the Provincial Advisory Committees were interested in speedier settlement of the minimum wage than provided for in the Minimum Wages Act. He explained that on the question of profit-sharing, his Province would like to go slow and to examine what would be the new commitments and burdens on the industry and what maximum relief could be given to workers by way of wages and amenities. Considering the different degree of industrial development in the different provinces, he asked for a certain amount of latitude and freedom in the case of his Province to modify the details of the machinery proposed. He accepted in principle the proposals of the Indian National Trade Union Congress but could not accept the proposals as such without reference to and discussion at the Provincial Advisory Boards.

*Mr. K. N. Joglekar†* felt that the purpose of the resolution had not been taken into proper consideration. He argued that the immediate objective was how the social and economic crisis could be successfully met. He stressed that it was a question of social planning not only of production but also of distribution. He regretted that the All-India Trade Union Congress's criticisms had been misunderstood as fomenting strikes. He said that steps would have to be taken to see to it that the condition of the people did not deteriorate and as such the pre-requisite to make the resolution effective was that immediate steps should be taken to see that prices did not rise and commodities did not become scarce. He argued that while employers were being favoured, the workers' genuine efforts were being described as mischievous. He urged that Government would have simultaneously to take steps to assure guaranteed wage conditions and guaranteed price levels and to take the workers into confidence. He felt that a declaration from Government creating confidence in the minds of the workers that Government wanted to do something for them should come out immediately. Like the declaration of its economic policy, a fair wage declaration should come immediately.

\*The text of the resolution passed by the Provincial Labour Advisory Board is at Appendix XII.

†The Resolution on Industrial Truce adopted by the All-India Trade Union Congress is at Appendix X(ii).

He suggested that the first necessity for the scheme was that a committee of experts, representative of workers and employers, must immediately be appointed which should declare what would be the fair wage for workers and fair return to capital. He did not favour any profit-sharing since production should be for use and not for profits but demanded that the workers should have proper living conditions. He also suggested that the proposed Central Advisory Committee should be formed on a strictly tripartite basis and the stability of personnel should be ensured. The same should be the case with National Sub-Committees. Below the Central Advisory Committee and National Sub-Committees, there should be the Provincial Committees to stipulate production. He pleaded that with a view to avoiding friction, the Production Committees and the Works Committees must be the same, since that alone would create the necessary confidence and mutual trust. Drawing attention to the divisions obtaining among the Unions, he suggested that it would be better if all the workers were asked to elect their Works Committees and agreed that the secret ballot method of election would be the best method. Refuting the allegations that the All-India Trade Union Congress was a communist organisation he made it clear that it was a broad class organisation based on fully democratic principles. He pointed out that although the All-India Trade Union Congress was anxious for increased production, the means envisaged by the Industrial Truce Resolution were, according to them, not adequate to achieve the objective.

*Sri S. K. Chatterjee* pointed out that apart from taking action under the Industrial Disputes Act, the West Bengal Government had constituted the Provincial Labour Advisory Board under a directive issued by the Government of India. Steps were being taken to set up Works Committees by secret ballot and Works Committees had been already established in twelve establishments. He suggested that instead of multiplying the proposed Committees it would be better if the Works Committees functioned also as Unit Production Committees in the individual concerns and that they should be bipartite. He further suggested that the Provincial Tripartite Committees should be established industrywise and that the Centre should also follow the same policy. Instead of multiplying the number of Advisory Boards and Committees, the Standing Labour Committee could function as the Central-Provincial Labour Advisory Board with a few additional representatives, e.g., a few representatives of the general body of consumers and one or two Government officials from the sister departments, e.g., the Ministry of Industry and Supply, could also be there. He stressed that it was necessary to decide the principles upon which the fair remuneration to capital should be determined and that the risk involved in running an industry, past losses, etc., would have to be kept in mind so as to attract capital to business. He felt that factors like retrenchment of personnel, violence by workers, "go slow" tactics of workers, non-implementation of awards, lightning strikes and lockouts which were embittering the relations between capital and labour should be removed as far as possible. He concluded by saying that even in the case of non-public utility concerns, the workers or the employers should give previous notice of a certain number of days of an intended strike or lockout and that the Government of India should arrive at some decision regarding the principles by which the capital and the recurring cost of housing should be apportioned between the Government, the employers and the workmen.

*Mr. S. R. Vasavada* felt that the Advisory Committees on various items suggested by the Government of India would be useful for purposes other than determination of a fair wage and a fair return to capital and suggested that fair Wage Boards industrywise and regionwise, should

be set up immediately. The Government of India should declare their policy with regard to fair wage and profit-sharing. He was of the opinion that if for want of personnel the Production and Works Committees were to be the same, the deliberations of the Production Committees should be separately conducted and that in the interest of peace, the representative union should always be guiding the Works Committees. He suggested that since the employers had failed to fulfil their responsibility for housing, the Government should step in and get the necessary funds from the employers and instead of mere promises, Government should actually provide houses to the workers.

*Sri Shantilal Shah*, being requested by the Chairman, repeated the Indian National Trade Union Congress's recommendations with regard to profit-sharing. He argued that the reserves of industry belonged both to capital and labour and as such, in the absence of any guiding principle, the built-up reserves should be divided half and half between capital and labour. He stressed that Government should take into consideration the capital structure of each industry, the time which it would take to earn its return and any other factors likely to be of interest to the nation as a whole in order to induce the capitalists to invest and the labour to work. He suggested that payment to labour should be made partly in cash and partly in schemes of social welfare and in the case of capital in industrial improvements. A constant attempt should, however, be made both by Government and capital and labour to bring the wage to a living wage level. He stated that the profit-sharing scheme should be made applicable to profits declared and justifiable after 1st January, 1948, because that date would be as near as possible to the date when the resolution was passed and that many of the limited concerns made up their accounts on the 31st December. Quoting a passage from the resolution on the industrial policy, he stressed that labour's share in the profits being on a sliding scale varying with production should be understood to mean that the share payable to labour would be distributed to labour *inter se* according to production. Referring to the All-India Organisation of Industrial Employers' Resolution\* circulated to the members, he hoped that the omission of workers' representatives from the machinery for determining fair return on capital was only a slip and not intentional. He requested the All-India Trade Union Congress to state clearly whether they had accepted the resolution or not and deplored the attitude taken by them. He signified the acceptance of the resolution *in toto* by the Indian National Trade Union Congress. He agreed with Mr. S. K. Chatterjee that a notice of 14 days should be given by non-public utility concerns. He further suggested that when a Union was willing to go to conciliation or arbitration, the conciliation or arbitration machinery should be most expeditious.

*Mr. Ardeshir Dalal* said that although the employers were ever willing to implement the Truce Resolution, the response from the other side was poor and in most cases it had been a history of concessions on the part of the employers and rising demands, aggression and even violence on the opposite side. He also argued that some of the Provincial Governments were very weak in dealing with strikes. Referring to Russian economic system, he pointed out that the right to strike was not allowed in either of these systems. He agreed that the system of mixed economy followed by the Government of India, under which both the capitalist as well as the nationalised systems could be worked side by side, was wise. Referring to the Government's resolution on industries he expressed the opinion that it was not a charter of unlimited exploitation by the industries but it was

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\*The text of the Resolution adopted by the Committee of the All-India Organisation of Industrial Employers is at Appendix XIII.

rather the complaint of the industries that some industries had been wrongly included in the list and that if within ten years the industries were going to be nationalised, the advent of capital into industries and their expansion would stop. He emphasised that apart from patriotism, knowledge and experience were required. Referring to the Indian National Trade Union Congress Resolution, he agreed that the Industrial Legislation enacted in Bombay could give a lead to other provinces. He did not think that the Central and Regional Wage Boards would be the proper means of laying down the principles for the determination of minimum and fair wages and sharing of profits, etc. He felt that the suggestion of restricting Managing Agents' commission to only Rs. 50,000 per year was extremely inadequate, considering the work, risk and sacrifice of the Managing Agents. He contended that after getting wages, etc., labour should not claim anything as a matter of right and that if in any undertaking Government found that the average return on capital was in excess of what was regarded as proper, then it would be right and proper to give labour a share in that profit. He agreed with Mr. K. N. Joglekar that wages for labour should be fixed on a fair basis, and the fair wage should be determined by a Committee. He disagreed that the maximum return to capital should be only  $7\frac{1}{2}$  per cent. and stressed that it should not only be fair to the old shareholders but it should also be an incentive to others to put in their money.

*Mr. Manek Gandhi* reiterated that his organisation wanted to have planned production and planned distribution and argued that while Government had come out with a desire to what they call planned production, they had left distribution to the whims of the capitalists. He expressed the opinion that the policy of decontrol had adversely affected the workers, the middle-class employers and agricultural labour and prices were going up. He felt that Government's policy was responsible for the general deterioration of workers' conditions. He urged that until a fair wage was fixed by either the Wage Board or some such body, Government should issue a categorical statement that whatever fair wage be fixed would be applicable with retrospective effect from the 15th December 1947 (as in the case of Pay Commission's recommendations) so as to create confidence in the minds of the workers. He expressed regret that nothing was done about housing in spite of so much discussion on the subject in the past, specially the resolution of the ninth Standing Labour Committee. He urged that Government should immediately state what they were going to do and what the provinces, the local bodies and the employers were required to pay and should pass the necessary legislation to get suitable sites and that if steel and cement were difficult to get, ordinary houses made of bricks could be erected. He pointed out that the workers never went on strike merely for the sake of striking but because they had no other alternative. If the industry was nationalized the question of profits would not arise but if the State allowed the industry to have profits, the workers must have a share in them. He suggested that the Central Committee should consist of 60 members, 20 each from workers, employers and Governments so that in each of the 5 or 6 National Committees there could be 10 to 12 people. He suggested that in the fitness of things the Central Committee should be more or less permanent and meet once in two months, the National Committee meeting once every month.

*Professor G. D. Parikh* suggested that since different organisations were putting out their own interpretation of the resolution, it would be better if there was a generally accepted connotation of the resolution in all minds. Drawing attention to clause (2) of the resolution, he pointed out that the machinery contemplated was a tripartite one and as such the suggestion that it should be bipartite would be contradictory. He pointed out that



so far, the question of remuneration to labour was being considered as cost of production and that to capital as an incentive to production but the Truce Resolution for the first time considered both as cost of production. By accepting the resolution the traditional outlook of industry had been discarded and that was the spirit which, if accepted, would bring labour and capital together. As regards Works Committees, he suggested that the most democratic and reasonable method would be to give the workers themselves the right to elect their representatives and since both the Works Committees and the Production Committees would have to be one and the same it would be still better to have the election on the basis of shops or departments. He agreed with the All-India Trade Union Congress's suggestion that the fixing of fair remuneration for capital and for labour, expert opinion should be associated.

*The Hon'ble Sri Gulzaril Nanda* explained that a truce meant that the parties had come to an agreement by which they were required to sacrifice some of their cherished views. He pointed out that in the present ease Government had very positive obligations, namely, setting up of a uniform machinery as far as possible, relieving the shortage, the quick determination of fair wages, etc., and that the employers' obligations followed from these. The workers' obligations, however, would be more or less negative. He stressed that there should be a specific machinery for the purpose of determining violations of the truce and taking due action regarding them. He agreed that the Works Committees should be set up on democratic lines.

Pointing out that the question was one of determining a fair wage and not a living wage, he said that if a living wage was guaranteed, the worker would leave it to the State to deal with surplus profits. He requested the employers to keep in mind that so long as complete nationalisation was not there and so long as they were to remain, they should not charge too high prices.

*Mr. Shanti Prasad Jain* regretted the attitude taken by certain Unions in regard to strikes and alleged that many of the Provincial Governments took no action whatever to avert strikes even when approached by employers. He expressed the opinion that the Truce Resolution would be possible only if the various parties had a sense of responsibility. He suggested that before resorting to strikes labour must think of the interest of the consumers. He was of the opinion that before setting up the proposed machinery care should be taken to see that it did not become cumbersome, unwieldy and complicated. He felt that the method of election of representatives to Works Committees should be more democratic but was opposed to the idea of having more than one union in an industry. He argued that in determining fair wage and fair remuneration of capital, the Ministries of Finance and Industry and Supply, and the employers should be associated, but labour representatives should not be there. He warned that if the basis of remuneration on capital was not fair, the industries might be wiped out. He, therefore, urged that the matter should be discussed at the highest expert level.

*Sri Shantilal Shah* enquired whether in fixing wages capital was to be consulted or not.

*Mr. Shanti Prasad Jain* replied that Hon'ble Sri Nanda had stated that that was a job for the experts. He stressed that the definition of capital would have to be fixed in a manner which would represent the real value of the capital and not the imaginary value as could be seen from the various balance-sheets.

*Professor Shibban Lal Saxena* suggested that if real industrial peace was wanted then an attempt should be made to maintain a single organisation of labour. He pleaded that arrested leaders should be released in order that they could also be of some help in the truce. He hoped that the proposed machinery would be put into action soon and that the conditions laid down would be fulfilled so that the very possibility of strikes would be removed. He did not feel happy about the industrial policy of Government and stressed that those industries where there were enormous profits should be nationalised and the workers should get a better living wage and that there should also be an equitable distribution of profits. He was happy that the Works Committees would be set up by election and that Government had promised to build a million houses within the next ten years. He was of the opinion that the question of sharing of profits should be considered by an expert committee and said that the balance sheets should be properly examined since they were not always reliable.

*Mr. N. S. Kajrolkar* was glad that the industrialists of Maharashtra had passed a resolution at Poona on the 19th April 1948, offering the workers a share of 50 per cent. in the profits accruing to the industry after making provision for the Wage Bill, 6 per cent. continuous dividends on the capital invested, management expenses, taxation to Government and development. He hoped to be able to surmount the differences with the workers in the larger interests of the nation.

*Mr. N. S. V. Aiyer* pointed out that under the Bombay Industrial Relations Act, Joint Committees were provided and that under the Truce Resolution, Works Committees and Production Committees were also to be set up. He hoped that there would be no overlapping of functions of these Committees. Referring to Mr. P. K. Sen's suggestion that Government should go slow in regard to profit-sharing, he pointed out that in Bombay the position was the same as in Central Provinces. Quoting certain facts and figures, he felt doubtful about the expansion of industry with little or nothing left as return on capital. He agreed with Sri Shantilal Shah that even in ordinary concerns there should be 14 days' notice for strikes. He was of the opinion that the Industrial Disputes Act should be further amended so as to provide that there must be resumption of work before the Adjudicator starts on the job.

*Mr. D. C. Das* pointed out that the employers in Assam had agreed to have Works Committees in some selected industries and hoped that these would soon be extended to others. He further pointed out that a large number of employers and employing organisations had already agreed to give improved housing facilities to workers. He stressed that a spirit of mutual help and understanding was needed from both the employers and workers.

*The Chairman* felt happy that all the parties had accepted the resolution. He made it clear that Government had never the idea, at the present stage, to limit profits or dividends because so long as Government were not going to eliminate private enterprise altogether there must be some incentive for private enterprise to invest their capital in industry. Although Government stood for nationalisation, due to certain limitations, the employers had been given a period of ten years. He, however, pointed out that a very vast field for private enterprise was left open and did not, therefore, quite see why the employers should complain that by giving a life of ten years, Government would make capital shy in coming into the industry. He pointed out that by profit-sharing Government did not mean limiting dividends or profits but if the employer was inefficient, he would have to be satisfied with whatever percentage of profits might

be fixed. He assured the House that all points raised by the various parties would be examined by Government; but made it clear that the suggestion that the question of determination of fair wage and fair return on capital should be examined by three departments of the Government of India was unnecessary since all policy questions were discussed by all the departments first and then a decision was reached and as such that vital question would certainly be discussed by all the departments concerned. He was glad that the machinery proposed by Government was generally accepted and explained that when the Advisory Committee was thought of, Government thought of a Committee of expert industrialists and economists to examine the matter in detail. He promised immediate action in regard to setting up the necessary machinery and the collection of data. As regards housing, while refraining from going into causes for the delay he pointed out that one of the main difficulties was that the cost was to be met by many parties, e.g., the Central and Provincial Governments, employers, local bodies and labourers. He said that the matter would be discussed at the Labour Ministers' Conference and thereafter it would be possible to announce what Government were going to do during the next 12 months. He appealed to all for co-operation and wished that workers instead of being represented by others were actually present themselves. He, however, warned that the workers might have to be asked to share accommodation with their colleagues. He wanted to establish the principle that the workers were as good and as indispensable in running an industry as the capitalists. He concluded by appealing to both the sides to observe industrial truce in letter and in spirit.

*Mr. K. N. Joglekar* pointed out that the Chairman's speech might convey some wrong impression about the acceptance of the resolution by the All-India Trade Union Congress and made it clear that his organisation had accepted it only in so far as social production was concerned. He drew attention to the resolution adopted unanimously at their meeting held at Calcutta on the 25th, 26th and 27th February 1948 and reiterated that it was not possible for them either to accept or not to accept the Industrial Truce Resolution and although they accepted the need for increased production, they held the opinion that the resolution was vague.\*

### General.

*The Chairman* thanked the members for the cordial way in which they had discussed the agenda. He said that the criticisms and suggestions on those items which were for information only had been noted and they would be examined and that such of them as were practicable would certainly be adopted by the Central Government. Referring to item 9, he felt gratified that so far as the machinery contemplated by the Government of India was concerned, there had been more or less unanimity. He gave the assurance that the Government would try their best to set up the machinery as early as possible to implement the various objectives laid down in the resolution. He stated that there was complete unanimity on items 3, 6 and 8. Referring to the divergence on the stage at which Provident Fund should be introduced, he assured the employers that it was not going to be introduced soon although it would not be inordinately delayed. He appealed to all that it should be realised that it was a common effort that every one was engaged in and it should be the common concern of all to advance the condition of the common man in the

\*A letter addressed to the Chairman by the All-India Trade Union Congress delegation is at Appendix XIV.

country. Although it was not easy to envisage how long it would take to solve the problem of a planned production and rational distribution, he hoped that every one would agree with the laudable objective. He then dwelt upon the special merits of Tripartite Conferences and appealed to all to continue the spirit of frank and free discussions. He felt that if all the three parties discharged their duties and obligations not only to themselves or to their parties but to the society as a whole, much of the difficulties and disputes would be over. He again appealed to all that every one should have the idea that production would have to be increased, and every interruption to production would have to be averted so that the conditions of the working classes and the common man in the country could be improved.

*Mr. N. S. V. Aiyer* thanked the Chairman for the kindness, consideration and courtesy which he had received from him and the officers of his department. He felt sure that the interests of the employer, the worker, the State, the consumer and the country as a whole were safe in the Chairman's hands.

*Mr. N. D. Sahukar* proposed a vote of hearty thanks to the Chairman and assured that he was quite prepared to work for the uplift of the common man in the country.

*Sri Shantilal Shah* thanked the Chairman for the tact and patience with which he had conducted the proceedings and felt that the fact that the Industrial Truce Resolution was accepted by the House was a great achievement. He expressed the hope that the employers would behave as good trustees of the wealth of the nation and that they would not give cause to the beneficiaries to complain about the mismanagement of the trust placed in them. He concluded by saying that the Indian National Trade Union Congress would do their very best to increase production with zeal and zest.

*Mr. K. N. Joglekar* paid his tribute on behalf of the All-India Trade Union Congress to the Chairman for the successful conduct of the Conference. He pointed out that the struggle of the down-trodden was a struggle against a system which had degraded humanity and that system had to be obliterated. He hoped that the tripartite method would be able to create confidence. He stressed that the administrators should view the complaints of the down-trodden not from the view of the technical limitations or the letter of the law but from a higher standard of social justice and equity. He assured that the All-India Trade Union Congress would extend their fullest co-operation for achieving the desired objective.

*Professor G. D. Parikh* associated himself with the sentiments expressed. He felt that the outstanding achievement of the Conference was that a decision on the Industrial Truce Resolution was reached.

*The Hon'ble Sri K. T. Bhashyam* expressed his sense of immense satisfaction and admiration at the very talented way in which the Chairman had carried through the programme.



## Appendices

## APPENDIX I.

*Item I.—Report on Labour Policy and Administration of the Central, Provincial and State Governments during the year 1947.***(A) CENTRAL GOVERNMENT.****I.—Factories.**

(1) **The Factories Bill.**—A comprehensive Bill to consolidate and amend the law regulating labour in factories was introduced in the Dominion Assembly on the 3rd December 1947. It has been circulated under executive orders for eliciting public opinion thereon and the Provincial Governments and the Chief Commissioners have been asked to forward the comments received by them from the various bodies together with their own views by the 15th of March 1948.

In addition to consolidating the law, the object of the Bill is to introduce certain important new features some of which are as follows:—

(i) It is proposed to make the law applicable to all industrial establishments employing 10 or more workers where power is used, and 20 or more workers in all other cases. The distinction between seasonal and perennial factories has been removed.

(ii) A clear and definite responsibility has been laid on the factory owner for taking measures necessary to secure the safety of workers in his factory. Essential measures for securing the health, safety and welfare of workers will be prescribed in the Act itself.

(iii) A provision has been included for ensuring the scrutiny of plans and specifications of factory buildings and their layout by Factory Inspectors.

(iv) The age of entry for employment of workers has been raised from 12 to 13. Young persons who have not attained the age of 18 will be regarded as adolescents.

(v) Provision has been made for the association of the workers with the management in the arrangements made for welfare and safety.

(vi) Workers completing six months' service will be entitled to holidays with pay and unauthorised leave up to a limit of 20 days per year has been provided for.

(2) **Training of Factory Inspectors.**—The first course of training for Factory Inspectors commenced on 24th February 1947 and concluded on 2nd April 1947. The training course was attended by 12 Inspectors from the Provinces, by 7 from the States and by 1 from Burma. A common level of approach in the lectures could not, however, be attained as the technical qualifications, service and experience of the Inspectors who attended the course varied considerably. The next training course which commenced in New Delhi on the 17th November 1947 and concluded at Bombay on 19th December 1947 was, therefore, confined to Junior Inspectors. It was attended by 19 Inspectors from various Provinces and States and included lectures by experts on the various subjects in the syllabus of training course, followed by actual visits to selected factories in Bombay.

A refresher course for Senior Inspectors which was proposed to be held early in the year 1948, has been postponed for the present.

(3) **Industrial Safety, Health and Welfare Museum.**—In connection with the "Industrial Safety, Health and Welfare Museum", the collection of exhibits and other preliminary work was initiated during the year under review. A few models from the Tata Iron and Steel Company and the National Iron and Steel Company, secured through the efforts of the Chief Inspector of Factories, Bihar, were received. The Chief Adviser, Factories, while on deputation outside India, made a special study *inter alia* of the Industrial Health, Safety and Welfare Museum of the Ministry of Labour and National Service in London and also made arrangements with a number of firms in the United Kingdom and United States of America, for providing some selected models and apparatus, etc., for the Museum.

Owing to shortage of accommodation in Delhi, no building could, however, be made available for the Museum.

(4) **Factory Inspection and Welfare.**—In pursuance of the decision taken at the last conference of the Chief Inspectors of Factories held in November 1946 to the effect that the Chief Adviser, Factories Organisation, should act as information service and publish brochures, pamphlets, etc., the following literature was issued:—

(i) A quarterly Technical Bulletin for Factory Inspectors. Two issues were published during the year, one in May 1947 and the other in August 1947.

(ii) Memoranda on—

- (1) Lead poisoning—how caused and how best prevented.
- (2) Precautions for wood working machinery.
- (3) Fencing and other safety precautions for power presses.
- (4) Precautionary notes for users of volatile organic solvent.
- (5) Prevention of Dermatitis.
- (6) Industrial Dermatitis.
- (7) Disposal of tannery wastes.
- (8) Localised Exhaust Appliances.

Four posters on industrial safety are ready with the printers in Bombay, but could not be issued during the year owing to transport difficulties. A brochure on canteens and another on creches are also ready for printing.

(5) **Strengthening of Factory Inspectorates.**—A special study of Factory Inspection Services in various Provinces and States is being made to note the progress achieved in implementing the decision regarding strengthening of the Inspectorates arrived at the last Labour Ministers' Conference and in adopting uniform labour standards covering both legislation and administration.

(6) **Equipment for carrying out surveys of toxic and occupational hazards.**—The necessary equipment for assessing occupational and toxic hazards in industrial establishments has been ordered from the United Kingdom and the United States of America. Surveys will be undertaken by the Chief Adviser, Factories Organisation, in co-operation with the Provincial Inspectorates, when all the equipment is received.

(7) **Annual Report of the Chief Inspectors of Factories.**—The question of improving the form and contents of the annual reports of the Chief Inspectors of Factories is under consideration.

## II.—Mines.

(8) **Board of Conciliation.**—In February 1947, a Board of Conciliation was set up under the Trade Disputes Act, 1929 (now repealed) with Mr. W. R. Puranik (a Retired Judge of the Nagpur High Court), as



Chairman and two members each representing the employers and the workers respectively, for bringing about a settlement of disputes between the colliery managements and workers in the collieries in Bengal and Bihar. The recommendations of the Board suggesting substantial increases in the earnings of colliery workers and their conditions of work were accepted by Government [*vide* Government of India Resolution No. LR2(103), dated 12th May 1947] as also by the industry and the workers. The Board's Report has been translated into various local languages and distributed among the workers.

A Fact Finding Committee consisting of two officials enquired into the question of application of the recommendations of the Board of Conciliation referred to above, to collieries in Central Provinces and Berar and Orissa. The recommendations of the Committee were accepted by Government and have since been applied to collieries in Central Provinces and Talchar State.

In order to meet the additional liabilities arising from the implementation of the recommendations of the Conciliation Board and of the Fact Finding Committee, the selling prices of coal in Bengal, Bihar, Central Provinces and Orissa were suitably increased.

The Chief Labour Commissioner (Central) has been entrusted with the duty of ensuring that the recommendations are duly implemented and his staff has been suitably augmented for the purpose.

A Fact Finding Committee in respect of collieries in Assam has concluded its work. The Report of the Committee is under consideration. Similar action as in the case of the collieries in Bengal, Bihar, Central Provinces and Orissa is being taken with regard to collieries in Assam.

**(9) Amendment of the Indian Mines Act, 1923.**—Certain proposals for amending the Act were circulated during the year under review to Mining Employers' and Workers' Organisations for their comments. They were also placed for discussion at the first meeting of the Indian Industrial Committee on Coal Mining held at Dhanbad on the 23rd and 24th January 1948.

**(10) Strengthening of the Mines Department.**—In order to enforce the provisions of the Indian Mines Act properly, the staff of the Mines Department has been adequately strengthened. It has also been decided to send, in rotation, one Inspector and two Junior Inspectors to foreign countries every year to study up-to-date methods of mining. The details of the Scheme are under consideration.

**(11) The Coal Mines Welfare Fund Act, 1947.**—The Coal Mines Labour Welfare Fund Act, 1947, which replaced the Coal Mines Labour Welfare Ordinance was brought into force on the 14th June 1947.

The Act gives Government power to levy, and collect a cess not exceeding 8 annas a ton on coal and coke despatched from collieries. For the present, a cess of 6 annas per ton is being levied, of which one anna and four pies is being set apart to meet the amortization and maintenance charges on account of housing estates for miners, 8 pies per ton for financing dispensary services and 4 annas per ton for general welfare services.

**(12) Coal Mines Labour Welfare Fund Advisory Committee.**—During the year under review, an Advisory Tripartite Committee was constituted under the Coal Mines Labour Welfare Fund Act to advise the Central Government on matters arising out of the administration of the Act.

**(13) Supply of Labour for employment in Coal Fields.**—The Directorate of Unskilled Labour Supply in Jharia was wound up with effect from 1st March 1947. With effect from the same date, the Regional Director of

Resettlement and Employment, United Provinces, was entrusted with the administration and management of Gorakhpur Labour Supply Depot. Gorakhpur Labour will henceforth be supplied direct to Colliery owners. Under this scheme, the industry, through its Coalfields Recruiting Organisation will meet all the charges connected with the recruitment and supply of labour. The organisation took over the existing Gorakhpur Labour Force (about 8,000 in number) on the existing terms and conditions and has agreed to arrange for repatriation and bear the charges thereof.

(14) **Housing of Coal Miners.**—A comprehensive scheme for the construction of 50,000 houses for miners employed on private as well as Government Collieries at a cost of about Rs. 3,500 per house has been undertaken. For the first 11,000 houses, the Central Government have agreed to a subsidy of Rs. 400 per house. A small rent from Colliery owners and a nominal rent from the occupants are proposed to be levied so as to cover a part of the maintenance charges. The balance of the cost will be met from out of the proceeds of the housing cess. A Housing Board, consisting of the Coal Mines Welfare Commissioner, who is the Chairman and representatives of employers and workers is being constituted under the Coal Mines Labour Welfare Fund to supervise the execution of the scheme. The first 1,000 houses are expected to be ready during 1948-49.

Rapid progress in the scheme was not possible due to lack of coal-free land.

(15) **Medical care of Miners.**—It has been decided to construct two Central Hospitals—one at Dhanbad and the other at Asansol, having about 100 beds each for the Jharia and Raniganj Coalfields. Construction is expected to start shortly. Two Regional Hospitals in each of the Jharia and Raniganj Coalfields have already been constructed. These are being equipped and will contain 10 to 12 beds each. Three similar hospitals are proposed to be built in Central Provinces.

Four Maternity and Child Welfare Centres—two in Jharia Coalfields and two in the Raniganj Coalfields—are being constructed. Two such centres for the Pench Valley and one for Chanda Coalfields in Central Provinces are proposed to be set up.

Early in 1947, a T. B. specialist was appointed under the Coal Mines Labour Welfare Fund. It is proposed to establish during 1948-1949 three static clinics at places to be selected by the Advisory Committee. These clinics are expected to cost Rs. 7,29,000, of which Rs. 6,00,000 is non-recurring. The possibility of reserving 10 beds for T. B. patients in each of the two Central Hospitals at Dhanbad and Asansol, is under consideration.

Malaria control work is being done under the direction of the Director, Malaria Institute of India, in the coalfields of Jharia, Raniganj, Hazaribagh, Bokaro, Margharita, Pench Valley, Chanda and Korea.

(16) **Women's Welfare.**—A Welfare Scheme run wholly by women workers for imparting visual and craft education to wives and children of miners was sanctioned in January 1947. Lady Welfare Officers, after completing their training course, have been posted to Welfare Centres, twenty of which have started functioning. Shops have been opened at these centres for the supply of consumer goods required by the colliery population.

(17) **Pithead Baths and Creches.**—It was expected that the construction of Pithead Baths and Creches under the Coal Mines Pithead Bath Rules, 1946 and the Mines Creches Rules, 1946, will be completed by 1st July 1947 but owing to difficulties in getting building materials, the statutory

time limit has been extended to 30th June 1948. A scheme for the training of creche attendants is under consideration.

(18) **Other Schemes.**—A mobile shop is being run for selling consumer goods to miners.

A talkie equipment for giving cinema shows to miners at nominal rates has been purchased.

(19) **Mica Mines Labour Welfare.**—The Mica Mines Labour Welfare Cess, which is being levied under the Mica Mines Labour Welfare Fund Act of 1946, has been fixed at  $2\frac{1}{2}$  per cent. *ad valorem* for a period of one year with effect from April 1947. The Mica Mines Labour Welfare Fund (Bihar and Madras) Rules have been framed under the Act.

An Advisory Committee for Bihar consisting of representatives of Government, employers and workers has been constituted. A similar Committee for Madras has also been set up. These Committees will advise on the utilization of the proceeds of the cess for welfare measures. The Coal Mines Welfare Commissioner, Dhanbad, has been appointed the Welfare Commissioner under the Mica Mines Labour Welfare Fund Act and the Secretary of the Advisory Committee in Bihar.

Steps are being taken for purchasing a fully equipped mobile dispensary van and to provide medical facilities for Mica Mine workers. It is proposed to reserve 10 beds for them in the private hospital at Kodarna on payment of an annual grant of Rs. 8,000 till the Mica Mines Labour Welfare Fund's own hospital is set up. A scheme for running a mobile shop is under consideration.

### III.—Agricultural and Plantation Labour.

(20) **Agricultural Labour.**—An officer on special duty was appointed for preparing a questionnaire for an enquiry into the conditions of agricultural labour. The questionnaire was circulated to the Provincial and State Governments and is being recast in the light of the replies and comments received from them and from some experts.

(21) **Plantation Labour.**—As a result of the decisions reached at the Tripartite Plantation Conference which was held at New Delhi on the 8th and 9th January 1947, a rapid enquiry into the family budgets and requirements of plantation workers in Assam, Bengal and South India was conducted by Government during the period March to end of September 1947. The reports on these enquiries were completed early in November 1947. The report relating to Assam and Bengal has been printed, while that relating to South India is in the Press.

In connection with the formulation of standards for medical care for plantation labour, Major Lloyd Jones, Deputy Director-General of Health Services (Social Insurance), visited the plantation areas in Assam, Bengal and South India and submitted his report which has been printed. These reports are proposed to be placed before the next Plantation Conference for discussion.

### IV.—Social Insurance.

(22) **Workmen's State Insurance Scheme.**—The Governments of Bombay, Bihar and Madras are reported to have taken steps to survey the existing medical facilities in connection with the scheme. Major Lloyd Jones, Deputy Director-General Health Services (Social Insurance), visited most of the provinces in this connection and held discussions with the officers

concerned regarding the steps to be taken. With a view to utilising the medical institutions and services now maintained by employers for purposes of the Health Insurance Scheme, all important employers were addressed by Government—

- (a) to furnish detailed information regarding the nature and extent of medical facilities now provided by them, and
- (b) to say whether they would prefer to hand over them to the Provincial Governments for administration and if so, on what terms or whether they would continue the maintenance of these services, in return for the payment of contribution made by the Workmen's State Insurance Corporation towards the cost of medical services.

Replies have been received from a number of employers and are being studied.

Major Albuquerque was appointed Additional Deputy Director-General, Health Services (Social Insurance), to work with Major Jones.

The Workmen's State Insurance Bill, 1946, was referred to a Select Committee of the Dominion Legislature on 22nd November 1947. The Committee presented its report to the Legislature on the 11th February 1948.

### V.—Housing.

(23) The Housing Scheme for coal miners has been referred to already in a previous section.

The question of providing quarters for staff considered "essential" on Railways was under active consideration during the year.

About 200 residential quarters were allotted to the workers employed in the Jubbulpore Telephone and Telegraph Workshops.

The housing of Dockyard workers is under the active consideration of Naval Headquarters.

Most of the scheduled employees and men on rotary duty in the industrial undertakings in the Overseas Communications Service have been provided with quarters.

### VI.—General.

(24) **The Indian Trade Unions (Amendment) Act, 1947.**—The Bill to amend Indian Trade Unions Act, 1926, providing for statutory recognition of Trade Unions was passed into law in December 1947.

The Act provides for the compulsory recognition of Trade Unions and penalises certain unfair practices on the part of both employers and workers. Under this Act, any registered Trade Union which fails to secure recognition by the employer by negotiation, may apply to the Labour Court for an order directing such recognition. It is expected that it will be possible to bring this Act into force on the 1st June 1948 and Provincial Governments have been asked to set up Labour Courts before that date.

(25) **Minimum Wage Bill.**—The Minimum Wage Bill has been passed by the Legislature.

(26) **The Industrial Employment (Standing Orders) Act, 1946.**—With a view to evolving, in agreement with employers and workers, fair terms of service, particularly in regard to security of tenure and elimination of

unjust reductions and discharges from services, the Chief Labour Commissioner has been asked to collect and study the terms of service formulated by employers as required under the Industrial Employment (Standing Orders) Act, 1946. Provincial Governments have been requested to assist the Chief Labour Commissioner in the matter.

In the Central sphere, all Federal Railways, the port of Vizagapatam (under the administrative Control of Bengal-Nagpur Railway), the Delhi Polytechnic, Delhi and certain training centres established in connection with Resettlement Training Schemes and the Government of India Presses have been exempted from the provisions of the Act.

(27) **Fair Wages Clause in the Central Public Works Department.**—The officers of the Industrial Relations Machinery have been instructed to inspect contractors' establishments, in addition to their usual duties, with a view to ensure that the provisions of the Fair Wage Clause in the Central Public Works Department contracts and the Central Public Works Department Contractors' labour regulations are being duly complied with. A large number of contractors' establishments was inspected during the latter half of the year and the irregularities and breaches of the regulations noticed in the course of these inspections were referred to the Central Public Works Department for rectification. Labour Officers have also been appointed in the Central Public Works Department to enforce the observance of this clause.

(28) **Payment of Wages Act.**—A notification was issued on the 14th September 1947 proposing to extend the provisions of the Payment of Wages Act to all classes of persons employed in coal mines except sub-section (4) of section 8 regarding limit of fines.

The Act has been extended to coal mines with effect from the 15th January 1948.

(29) **Dock Labour Legislation.**—The Dock Workers (Regulation of Employment) Act, which has for its object the registration of dock workers so as to secure greater regularity of employment and the regulation of their remuneration, hours of work and other conditions of employment has been enacted.

(30) **Ratification of the Dock Labourers' Convention.**—The Government of India ratified the revised Convention (1932) adopted by the International Labour Conference regarding protection against accidents of workers employed in the loading and unloading of ships. The ratification was registered with the International Labour Office on 10th February 1947.

The draft regulations under the Indian Dock Labourers Act, which is intended to give effect to the Conventions were published in a notification, dated the 23rd May 1947 and were finalised during the course of the year under review. The Indian Dock Labourers Act and the Regulations framed thereunder have since been passed by the Dominion Legislature.

It has been decided that the Chief Adviser, Factories, will administer the Act and the Regulations framed thereunder, which apply to the ports of Bombay, Calcutta, Madras, Vizagapatam and Cochin.

(31) **Disposal of the unexpended accumulation under the War Injuries Compensation Scheme.**—Sub-section (3) of section 11 of the War Injuries (Compensation Insurance) Act, 1943, provided that any balance which remains in the fund after defraying all payments shall be constituted into a fund to be utilised for the benefit of workmen. The War Injuries

(Compensation Insurance) Scheme has since been closed leaving an approximate balance of about Rs. 4 lakhs which is proposed to be spent in equal proportion on the following two schemes:—

- (i) scholarships to skilled workers for further training; and
- (ii) grant for research in industrial diseases.

The Schemes are under preparation.

(32) **Labour Officers.**—The first batch of Welfare Officers, who will form a pool under the administrative control of the Ministry of Labour, has been selected and the officers have been posted to industrial undertakings under the control and management of the Central Government and Port Trusts.

Two batches of about thirty Labour Officers were selected during the year under review for an intensive short-term social work course of the Calcutta University. The tuition fees were paid by the sponsoring Governments, while the Central Government paid Rs. 3,000 to the University. A special grant of Rs. 2,50,000 has been made to the University for the construction of an All-India Institute of Social Work.

A proposal to appoint a Welfare Officer to look after the general well-being of the staff of the Central Government is under consideration.

(33) **Welfare.**—A number of Central undertakings and Railway Stations and Workshops were visited by the Officers of the Industrial Relations Machinery and monthly reports from Conciliation Officers in the Central undertakings were scrutinized and action taken for improving the welfare measures wherever necessary.

(34) **Labour Welfare Funds.**—The Government of India issued orders making provision for grants-in-aid to Staff Welfare Funds on a specified scale and a number of Central Industrial undertakings constituted Labour Welfare Funds during the year under review. The question of crediting to this fund the unclaimed wages of workers is being considered.

(35) **Canteens.**—Early in the year under review, a Central Inspector of the Industrial Canteens was appointed to assist the employers in the establishment of canteens and securing improvement in their standards and management. He inspected the canteens in a number of undertakings, both Government and private, and reported to the authorities concerned the defects, etc., revealed during the course of his inspection. Provincial Governments may, if they so desire, consult him in matters relating to setting up of canteens. The question of setting up a model canteen in the Secretariat, as an experiment, is under consideration.

Several other proposals, e.g., whether the pay and allowances of the canteen staff, the expenditure involved in the transport of foodstuffs from the market to the canteens, etc., should be borne by Government, and association of the workers in running the canteens, the periodical medical examination of the canteen staff, etc., are engaging the attention of Government.

(36) **Central Public Works Department workers borne on the work-charged establishment.**—The Central Public Works Department workers borne on the work-charged establishment who had put in service of 10 years and above on 1st July 1946, have been made permanent. Their scales of pay have been revised and dearness allowance, compensatory allowance and house rent allowance have been granted to them in accordance with the recommendations of the Pay Commission.

(37) **Labour employed in R. I. A. S. C. Depots—Rest-period.**—It has been decided to add the following clause in all labour contracts relating to labour employed in R. I. A. S. C. Depots:—

“For any one labourer the maximum number of hours of work excluding overtime for which special rates of pay will be included in the contract will be eight in 24 hours exclusive of meal times and the working hours shall be calculated from the time of arrival at worksite to the time of departure from worksite. A break of a minimum of one hour will be allowed for meals which will not count against the specified number of working hours. A break of half an hour will be given between normal working hours and the commencement of overtime.”

(38) **The Central Pay Commission.**—The recommendations of the Central Pay Commission which cover also the State Railways and Posts and Telegraphs employees and the civilian employees of the Defence services, were implemented during the year.

## VII.—Industrial unrest.

(39) **Industrial Disputes Act, 1947.**—The Act came into force with effect from 1st April 1947 and replaced the Trade Disputes Act, 1929. It introduced the principles of compulsory arbitration and “no strike without notice” with respect to certain vital services known as “public utility services” which are listed in the Act. The Act also provides for the establishment of Works Committees in Industrial establishments employing one hundred or more workmen.

Early in April 1947, the Chief Labour Commissioner, the Regional Labour Commissioners and Conciliation Officers were re-invested with statutory powers of conciliation in respect of all industries carried on by or under the authority of the Central Government, by the Federal Railways or by a Railway Company operating a Federal Railway and for all mines and oil fields and major ports.

Central Rules under the Act were framed and published on 9th August 1947.

The Coal industry, in so far as it is concerned with the production and supply of coal and coke, has been declared a “public utility service”.

(40) **Industrial Disputes.**—The statement below shows the number of strikes and threats of strikes in 1947, classified according to industries, in the undertakings in the Central sphere:—

Industry.	Threats of strikes.	Strikes.	Disputes amicably settled.
(1) Major Ports .. ..	27	35	42
(2) Printing and Stationery .. ..	1	6	7
(3) Mines .. ..	160	141	238
(4) Railways .. ..	26	50	66
(5) Other Central Undertakings .. ..	43	107	117
Total .. ..	257	339	470

The principal demands of the workers were for the increase in wages, recognition of unions, interim relief, bonus, stoppage of retrenchment, liberalisation of service conditions and implementation of the recommendations of the Central Pay Commission and, in the case of Colliery labour,

of the Board of Conciliation (Colliery Disputes). The Central Government's Industrial Relations Machinery under the Chief Labour Commissioner (Central) intervened in a large number of disputes and was able to bring about an amicable settlement in 470 out of 596 disputes.

(41) **Industrial Tribunals and Awards.**—Under the Industrial Disputes Act, 1947, a Standing Industrial Tribunal has been set up at Dhanbad to deal primarily with disputes in the coal fields.

The *ad hoc* Industrial Tribunal appointed in connection with the disputes between the Darjeeling Himalayan Railway Company Limited and its employees in its award allowed appreciable increase in the wage rates of the employees.

A major dispute affecting the Mica mining industry of Bihar has been referred for adjudication.

Mr. Justice Rajadhyaksha submitted his award on certain points relating to hours of work, periods of rest and leave and holiday concessions to daily rated labour staff employed on Railways. His award is under consideration.

(42) **Chief Labour Commissioner's Organisation.**—It has been decided to strengthen this organisation by the addition of two Regional Labour Commissioners and ten Labour Inspectors.

### VIII.—Conferences.

(43) The 30th session of the International Labour Conference opened on the 19th June and closed on the 11th July 1947 at Geneva. The Conference adopted—

- (i) five Conventions which aimed at the improvement of social standards in non-metropolitan territories, which taken as a whole, represent an economic and social bill of rights for the people of non-self-governing areas;
- (ii) one Convention and two recommendations concerning labour inspection in commerce and industry; and
- (iii) a report and two resolutions on the subject of freedom of association and industrial relations.

Besides, conclusions on important principles relating to the organisation of Employment Service Organisation were reached and on the basis of these conclusions Conventions and Recommendations will be discussed at the next session.

(44) During the period under review, the I.L.O. Industrial Committees on Coal Mining, Inland Transport, Iron and Steel and Metal Trades held their second sessions. Each Committee concentrated its attention on the future problems of the industry concerned in the matter of utilisation of natural resources, the problems of man-power, including recruitment and training and industrial relations. India sent full tripartite delegations to all the Committees.

(45) The Preparatory Asian Regional Labour Conference of the International Labour Organisation was held in New Delhi from the 27th October to 8th November 1947. It was attended by more than 250 delegates and advisers, representing 20 countries. Resolutions on the following questions were adopted:—

- (1) Social Security.
- (2) Programmes of Action.



(3) Labour Policy.

(4) Intensification of the Asian Work of the International Labour Organisation.

(46) The Second Session of the Permanent Agricultural Committee up by the Governing Body of the International Labour Organisation : in August 1947. The agenda for the session consisted of—

- (i) general survey of developments since the first session and discussion of the order of priority for consideration by the committee of problems of agricultural labour;
- (ii) minimum wage regulation in agriculture;
- (iii) medical examination of children and young persons for fitness for employment in agricultural undertakings; and
- (iv) security of employment in agriculture.

India was represented at the Committee by Mr. V. Narayanan of Ministry of Labour.

(47) The Constitution of the International Labour Organisation Instrument of Amendments, 1946, and the Final Articles Revision Convention 1946, adopted by the International Labour Conference at its 29th session held at Montreal in 1946 were ratified.

(48) An important resolution relating to an Industrial Truce for a period of three years was passed at the Industries Conference held in December 1947. The Ministry of Labour is examining the question of different machineries which are to be set up and the formation of which is an integral part of the operative portion of the resolution.

(49) In pursuance of the decision of the Government of India to set up tripartite industrial committees for discussing special problems relating to important industries, meetings of the Industrial Committees on Cotton Textiles and Coal Mining were held in January 1948.

### IX—Labour Bureau.

(50) **Labour Year Book.**—The first issue of the Labour Year Book giving authoritative and factual data on the various aspects of labour has been compiled and is now under print.

(51) **Indian Labour Gazette.**—The Labour Bureau took over the publication of the "*Indian Labour Gazette*" in October 1946 and since then considerable improvement has been made in the get-up and contents. A number of special articles by prominent authors and a series of statistical reviews on the current trends in labour have been published. The layout and contents of the serial statistics have also been improved.

(52) **Special publications.**—During the year, the Labour Bureau published a booklet named "*Elements of Industrial Well-being*" (six articles) by Sir Wilfrid Garrett, formerly Chief Adviser, Factories).

(53) **Factual Surveys.**—In order to bring up to date the factual data collected by the Labour Investigation Committee appointed by the Government of India in 1944 fresh questionnaires were issued to the following industries:—

- (1) Cotton Mills.
- (2) Cement Factories.
- (3) Tanneries and Leather goods.
- (4) Tramways.
- (5) Municipalities.

Valuable information has been received in respect of these industries. The replies so far received are being analysed.

(54) **Family Budget Enquiries.**—Family Budget Enquiries covering about 1,500 families of plantation workers in Assam, Bengal and South India were conducted by the Bureau and the reports have been prepared. These reports are intended to provide the basic data for the fixation of minimum wages for the plantation workers.

(55) **Statistics.**—Cost of living index numbers for Delhi and Ajmer compiled on the basis of the Family Budget Enquiries conducted by the Director, Cost of Living Index Scheme, are now being published.

The Statistician of the Labour Bureau who is also entrusted with the technical supervision of the statistics section of the Mines Department had, as a result of an examination of the mining statistics and inspection of the section, made certain proposals for their improvement which have been accepted by the Industrial Committee on Coal Mining at its meeting held at Dhanbad in January 1948 and are proposed to be given effect to under the Indian Mines Act.

Proposals have been made for the collection of serial statistics on employment, attendance, wages, earnings and hours of work under the Industrial Statistics Act from factories, railways, tramways, motor transport, ports and plantations.

Certain improvements of factory statistics are under consideration in consultation with the Chief Adviser, Factories. A separate memorandum on the activities of the Directorate-General, Resettlement and Employment, has been circulated (*vide* item No. III).

## (B) PROVINCIAL AND STATE GOVERNMENTS. .

### (I) Industrial Relations.

#### (a) INDUSTRIAL DISPUTES AND AWARDS.

##### (A) *Provincial Governments.*

##### (1) **Madras.**

Under the Industrial Disputes Act, 1947, the Government of Madras appointed 4 regional Industrial Tribunals for adjudication of industrial disputes in their respective spheres.

Special Tribunals were also appointed in some cases.

In all, 63 industrial disputes were referred for adjudication during the year under review. Some of the important awards of the Industrial Tribunals are given below:—

(a) The Industrial Tribunal appointed in 1947 in its award dealing with all conditions of labour in the Textile Industry including minimum wages, dearness allowances, bonus, etc., fixed the minimum wage of a textile worker in the Province at Rs. 26 per month and dearness allowance at 3 annas a point over 100 in the cost of living index figure in large towns and at 2½ annas per point in the rural areas and for smaller units in urban areas.

The Provincial Government, however, found it difficult to enforce the award of the Industrial Tribunal for the textile industry as some of the millowners decided to close their mills on grounds of alleged loss.

(b) In the dispute between the workers and employers of the Buckingham and Carnatic Mills, the Industrial Tribunal in its award disallowed most of the workers' demands (numbering 19 in all) for increased bonus and dearness allowance, overtime wages inclusive of dearness allowance, etc., but asked the management to make provision for Rs. 5 lakhs for building houses for workers in accordance with a specified plan.

(c) The workers of 31 textile mills in Coimbatore district went on general strike in February 1947 demanding six months' wages as bonus, as against three months' wages allowed in the Adjudicator's Award of December 1946. As a result of the Premier's intervention, a settlement was brought about by awarding five months' basic wages as bonus, as a special case.

(d) The Tribunal appointed for considering the grant of interim relief to workers in Motor Transport Industry during the pendency of the findings of a Court of Enquiry appointed by the Government, awarded an interim relief of Rs. 7-8 to those workers getting up to Rs. 50 and Rs. 5 to those getting above Rs. 50 per month, with marginal adjustments.

The Report of the Court of Enquiry for *Beedi*, Cigar, Snuff and Tobacco Curing Industries and Tanneries was published during the year under review and its recommendations regarding the grant of increased wages and bonus to the workers were commended by Government for approval to the employers. However, owing to non-implementation of the recommendations by many of the employers, the disputes arising therefrom have been referred for adjudication.

The Courts of Enquiry appointed by the Provincial Government to examine the conditions of labour in (a) Rice and Oil Mills in the Province, (b) Timber and Saw Mills in the Districts of Malabar and South Kanara and (c) Handloom industry, have submitted their reports. The first report contains no recommendations for action to be taken and has, therefore, been recorded, while the recommendations contained in the second have been commended for adoption to the managements of timber and saw mills in the West Coast. The third report is under consideration.

The work of the Court of Enquiry appointed to enquire into conditions of labour in engineering firms in the Province is in progress.

## (2) Ajmer-Merwara.

Although there were several strikes in the textiles mills during the year under review, none of them was referred for adjudication as the parties concerned were brought together through the efforts of the Labour Officer. Recently, however, the employers and the employees of the textile mills have agreed to refer their dispute regarding increase in wages, payment of bonus, holidays with pay, etc., to joint voluntary arbitration at the hands of persons of their own choice. Their award is awaited.

## (3) East Punjab.

During the year under report, there was no major strike or lockout in any industry in the Province and there was, therefore, no occasion for any notable award or arbitration. A Wages Fixation Board consisting of representatives of employers and labour was set up at Amritsar and its decisions regarding wages and dearness allowance, etc., were accepted by almost all the local industries.

## (4) Central Provinces and Berar.

The Textile Enquiry Committee appointed under the chairmanship of Justice W. R. Puranik in August 1946 was dissolved early in June 1947

and an Industrial Tribunal and an Industrial Court of Enquiry were constituted to consider the increase in wages, dearness allowance, etc., paid to the textile workers in the Province, their hours of work, bonus, provident fund, other conditions of service, etc. In September 1947, the question of minimum basic wage and standardisation of wages of workers in the textile mills was referred to the Industrial Tribunal and the Court of Enquiry. The terms of reference of the Industrial Tribunal were amended and supplemented in November 1947 in consultation with the representatives of the employers and employees.

During the year under review, 17 disputes were settled by direct negotiations, 25 through the Labour Officer and other Government officials and 7 were referred for adjudication under the Defence of India Rules and the Industrial Disputes Act, 1947. A summary of the important awards enforced during the year (including those of the Industrial Tribunal) is given below:—

#### *Textile Mills.*

(i) Compensation for involuntary unemployment resulting out of coal shortage was granted in March 1947.

(ii) "Independence Bonus" to all textile workers equivalent to  $\frac{1}{4}$ th of their annual total earnings was granted in August 1947.

(iii) Scales of pay were fixed for different categories of clerks and leave rules for them were revised. For watch and ward employees, it was decided that uniforms should be supplied by the mills every year and hours of work reduced to nine per day.

(iv) Graded increase, ranging from  $6\frac{1}{2}$  per cent. to 50 per cent. of their wages to all textile workers of the Province, was granted with effect from the 1st July 1947.

(v) Bathrooms and uniforms for Boiler Coolies were to be provided by the employers.

#### *Electric Concerns.*

(vi) *Jubbulpore Electric Company.*—It was decided that annual bonus amounting to  $\frac{1}{10}$ th of their total annual earnings should be given to all employees and war bonus of equal amount for the previous years, 1940 to 1944 and dearness allowance at the rate of Rs. 18 per month to all workers drawing basic pay of Rs. 52 per month or less with effect from the 1st January 1947. Employees should be allowed to carry over to the next year their accumulated leave.

(vii) *Katni Electric Company.*—It was decided to give dearness allowance of Rs. 17 per month to those drawing up to Rs. 30 per month and Rs. 16 or  $\frac{1}{2}$  of their basic pay, whichever is greater, to those drawing between Rs. 30 and Rs. 50 and one month's basic wages as bonus.

#### *Miscellaneous.*

(viii) *Central Potteries.*—It was decided to give a uniform basic wage of annas 8 per day to all workers and dearness allowance on a sliding scale based on cost of living index number. Workers should be made permanent after one year's efficient service.

A Press Communique has been issued by the Provincial Government stressing the immediate need for increasing production.

During the year, thirty-four new Trade Unions were registered.

**(5) West Bengal.**

The Provincial Government considered it expedient to set up Industrial Tribunals rather than Industrial Courts or Boards of Conciliation and nine officers of the rank of District Judges have been appointed as industrial tribunals. For adjudication of the disputes relating to the following industries, major tribunals have been constituted with three judges for each such tribunal:—

- (1) Jute mills.
- (2) Engineering concerns affiliated to the Indian Engineering Association and Engineering Association of India.
- (3) Flour mills.
- (4) Cotton mills.
- (5) Mercantile firms affiliated to the Bengal Chamber of Commerce.

In addition to these major tribunals, disputes relating to individual concerns have also been transferred to one judge each.

Since 15th August 1947, seventy-four cases were referred for adjudication by tribunals, out of which 38 were disposed of. Due to intensive propaganda workers appear to have been realising the desirability of fighting their disputes before the Industrial Tribunals when conciliation fails and strikes are on the decrease.

A summary of the important awards given in 1947 will be found in Annexure I.

The number of Unions registered under the Indian Trade Unions Act, 1926, was 311 during 1947 as against 241 in 1946.

Labour unrest of the following kinds have been engaging the attention of the Provincial Government:—

(i) Some of the employers have been retrenching their staff even during the pendency of disputes before a Tribunal and the Provincial Government had to refer such cases to fresh Tribunals. The matter was discussed at a Provincial Tripartite Labour Conference but no agreement could be reached. Some of the employers were found to close down their concerns after the award of a Tribunal is enforced while some others have been taking a recalcitrant attitude in the matter of implementing awards.

(ii) Stay-in strikes during the pendency of proceedings before a Tribunal were at their peak during the period September to November 1947 but are at present on the wane.

(iii) The adoption of go-slow tactics by the workers in most of the industries except the Jute Industry, has been undermining production. The Provincial Government is considering the question of utilizing the Works Committees as Production Committees as well.

Rules for Works Committees have been finally framed in consultation with the Employers' and Workers' Organisations and these have been published. The constitution of Works Committees according to these rules has been undertaken and a beginning made with the Jute Industry.

**(6) Bihar.**

The first part of the year under review coincided with the crushing period of the sugar factories and considerable unrest among workers in sugar factories was manifest. The crushing could only be safely negotiated as a result of the appointment of the United Provinces and Bihar Sugar

Factories Labour Enquiry Committee and the acceptance by Government of most of the recommendations contained in the report of the Committee. As a result, the minimum wage of unskilled labour in sugar factories was raised from Rs. 22-8 to Rs. 36 per month inclusive of dearness allowance.

The Government of Bihar have appointed a Board of Conciliation to settle labour disputes as soon as they occur in the current crushing season. Under the Industrial Disputes Act, 1947, sugar factories have been declared public utility services by the Government of Bihar.

During the year, 130 labour unions were registered as Trade Unions.

The Labour Department of the Provincial Government tries to settle all disputes by conciliation. The conciliation machinery was strengthened by the temporary appointment of a Deputy Labour Commissioner. Those disputes in which conciliation failed were referred for adjudication and six adjudicators were engaged for adjudication work during the year. Their awards given in 20 disputes were accepted by Government. A summary of important awards is given in Annexure II.

A permanent Industrial Tribunal to adjudicate in industrial disputes has been appointed by the Provincial Government.

#### (7) **Bombay.**

The total number of strikes which occurred during the period January-November 1947 was 588. In the matter of disputes, Government intervention took the form of conciliation under the Bombay Industrial Disputes Act and the Bombay Industrial Relations Act and reference to Industrial Tribunals under the provision of the various Labour laws. The number of cases referred to the Industrial Court was 85 and the scope of Government intervention included Textile, Engineering, Transport industries, Municipalities, Banks and other organisations.

The references made to Industrial Tribunals may be classified as follows:—

- (i) Bombay Industrial Disputes Act.
- (ii) Bombay Industrial Relations Act.
- (iii) Industrial Disputes Act and
- (iv) Rule 81A of Defence of India Rules.

(i) *above*.—On 31st December 1946, 13 cases were pending and during the year ending 31st December 1947, 27 cases were referred to the Industrial Court. Of these 40 cases, awards were given in 17. Of the 27 cases referred to during 1947, 25 fell under the heading "Textile Industry" and 2 under the heading "Banks and other organisations".

(ii) *above*.—In all 10 cases relating to "Textile Industry" were referred to the Industrial Court during the year, but all of them were pending on 31st December 1947.

(iii) *above*.—In all 31 cases were referred to the Industrial Court during the year. Of these, 17 related to "Engineering Industry", 4 to "Transport Industry", 2 to "Municipalities", 2 to "Food, Drink and Tobacco" and 6 to "Miscellaneous Industries".

(iv) *above*.—Five cases were pending with the Industrial Court on 31st December 1946 and 17 cases were referred to the Court during the year ending December 1947. Of these 22 cases, 12 were decided during the year. Of the 17 cases referred during the year, one fell under the heading "Textile Industry", 3 under "Engineering Industry", 2 under "Transport Industry", 4 under "Municipalities", 2 under "Banks and other organisations", 3 under "Food, Drink and Tobacco Industries", and 2 under

“Miscellaneous industries”. As regards conciliation cases under the Bombay Industrial Disputes Act and the Bombay Industrial Relations Act, these were 225 in all. Settlement was reached in 51 cases, 174 ended in failure and 40 were withdrawn. Of the 174 cases ending in failure, 69 were referred to the Industrial Court and related mainly to textile mills in Bombay city. Of the 225 cases, 103 were for higher pay and allowances, 62 for re-instatement of discharged workers, 3 for leave and hours of work and the remaining 41 for other reasons including rationalisation and reduction in complement.

There were 181 conciliation cases outside the Bombay Industrial Disputes Act and 108 of these were settled while 46 ended in failure. Of the 46 cases ending in failure, 29 were referred to the Industrial Court.

The conciliation machinery also disposed of some 301 individual complaints during the period 1st April 1946 to 31st August 1947.

The Award of the Industrial Court in the dispute in the Bombay Cotton Mill Industry was briefly as follows:—

(a) *Bonus*.—Bonus equivalent to one-fifth of the earnings of the year should be paid for the year 1946, subject to certain specified conditions.

(b) *Wages*.—The court ordered that the lowest paid workers in all occupations should get a minimum wage of Rs. 30 with effect from 1st January 1947.

(c) *Standardization*.—The court ordered that all the cotton textile mills in Bombay and greater Bombay should pay their employees, with effect from 1st January 1947, according to a standardized uniform list of basic wages and rates prepared by it.

The Industrial Court's award in the Bombay Banks dispute was, briefly, as follows:—

(i) *Basic salary*.—In the case of big banks, the clerks are to get a starting salary of Rs. 65 per month rising to Rs. 275 by the twenty-fifth year of their service; there will be four grades with three efficiency bars, one at the end of the 11th year at Rs. 130, second at the end of the 18th year at Rs. 190, the third at the end of the 22nd year at Rs. 230 and thereafter reaching Rs. 275 in the 25th year. Every year there would be an increment till the maximum is reached. Graduates should start at Rs. 75 in the same scale. In regard to low paid staff of big banks, the “chokras” are to start at Rs. 25 and after 18 years of age they are to get the scale of the peon, which is Rs. 30—2—50—1—65, sweepers and scavengers are to have the scale of Rs. 20—2—40. Clerks in small banks will have four grades with three efficiency bars—one at the end of the 10th year at Rs. 102, second at the end of the 16th year at Rs. 150, third at the end of the 21st year at Rs. 200 and reaching Rs. 250 in the 25th year. Graduates are to start at Rs. 65. In case of low-paid staff of small banks, the “chokras” are to start at Rs. 19 and will get into the peons' scale (Rs. 24—1—35—2—55) when they are 18 years old. For sweepers and scavengers the scale is Rs. 15—1—30.

(ii) *Dearness allowance*.—In case of big banks, the adjudicator recommended that clerks should get dearness allowance equivalent to 25 per cent. of their salaries with Rs. 30 as minimum and Rs. 50 as maximum while a flat rate of Rs. 25 per month should be paid as dearness allowance to all members of the lower paid staff with the exception of boys or chokras who should be given Rs. 20 and the scavenger should be given Rs. 15 flat. In case of small banks the rates will be (a) clerks: 20 per cent of salary

with Rs. 25 as minimum and Rs. 35 as maximum and (b) low-paid staff: Rs. 17 at flat rate. The dearness allowance in all cases should be paid with retrospective effect from 1st July 1946.

(iii) *Bonus*.—The adjudicator did not pass any order on this demand as according to him no general principle could be laid down concerning bonus.

(iv) *Provident Fund*.—Almost all the banks have Provident Funds with rules for administering them. The adjudicator, however, made certain suggestions for the modification of the rules.

(v) *Gratuity*.—The adjudicator recommended that those banks which do not give pension or retiring allowance must pay gratuity to all employees on voluntary retirement or resignation after 15 years of service and on retrenchment or discharge, after 10 years of service, the maximum amount being 15 months' salary after 15 years of continuous service.

(vi) *Working hours*.—The adjudicator did not think it either necessary or desirable to fix the working hours, because standing orders for banks were in process of formation and working hours were to be included therein. The demand about overtime was rejected.

(vii) *Leave*.—The adjudicator recommended the following leave rules for big banks: (a) Privilege leave: one month in a year with full pay and allowances; this leave can be accumulated up to a total period of 3 months, (b) Casual leave: 10 days in a year, (c) Sick leave: one month for each year's service, subject to maximum of 12 months in all during the whole service, (d) Leave without pay can be granted, when no other leave is due, at the discretion of the bank. The same rules apply to small banks, except that the employers in small banks would get three weeks instead of one month as privilege and sick leave.

The demand for housing accommodation or compensation in lieu thereof was rejected. The adjudicator, however, recommended that every bank should supply two sets of uniforms per year to every member of its lower paid staff and pay the washing charges. The adjudicator also recommended free medical consultations for employees of big banks; voluntary retirement after 30 years of service; compulsory retirement at the age of 60 except as otherwise provided for in the Pension rules; maintenance of service record for all employees; and various social amenities.

### (8) Orissa.

There was some dissatisfaction among the workers of the Orissa Government Press who demanded that their pay, etc., should be raised. A Special Officer has been appointed for considering the question.

### (9) United Provinces.

With the growing industrialization of the Province labour troubles showed an increasing tendency. A plan has been adopted for the re-modelling of the existing conciliation machinery and posting of conciliation officers on a regional basis. Three regional conciliation offices, one each at Meerut, Agra and Gorakhpur have been opened. An additional office at Lucknow has also started functioning. Each region is looked after by a conciliation officer. In Kanpur, there are 3 conciliation officers. Those disputes in which conciliation failed were referred for adjudication. During 1947, in all 2,512 conciliation cases and 148 adjudication cases were dealt with by the Government Labour Office, Kanpur.

In most cases the awards of the adjudicators have been satisfactorily implemented by the parties concerned, but in those cases where breaches of Government orders were discovered, action to enforce them was taken.



At the beginning of the crushing season 1946-47, there was widespread labour unrest in the sugar industry in the Province and a general strike was threatened by the workers. The Provincial Government, in conjunction with the Bihar Government, appointed a Committee known as the Sugar Factories Labour (Wages) Inquiry Committee, United Provinces and Bihar, to enquire into the demands of the workers as regards wages, bonus, etc., and to report thereon to Government. The Committee submitted two reports and suggested that the minimum wages should be fixed at Rs. 36 per month and certain increases in higher categories of wages should also be given. The Provincial Government generally accepted the decisions of the Committee and the threatened general strike was averted. Towards the end of the crushing season, however, trouble started over the question of compulsory leave and matters connected with it. A Conciliation Board was accordingly appointed in April 1947 and a settlement reached. A summary of the settlement reached is given in Annexure III.

Some of the employers, however, failed to implement the decisions of the Board and Government had to take firm action for their implementation. In the light of experience thus gained, it was considered advisable to set up a permanent Conciliation Board to decide general and important disputes in the sugar industry and a Board, known as the Sugar Industry Conciliation Board, was accordingly set up in October 1947.

Towards the close of the year, further increases in wages were given to the employees in the sugar industry.

A Tripartite Conference was also held by Government to decide certain matters in dispute between employers and labour in the sugar industry and the decisions arrived at the Conference were embodied in a Press-note, dated 29th January 1948.

The number of Trade Unions in the Province rose to 211 in 1946-47 as against 81 in 1945-46. The Provincial Government are getting the employers, through adjudication proceedings, to recognize the unions of their employees in suitable cases.

#### (10) Delhi.

During the year there were 23 labour disputes. Of these, 16 were in the Provincial sphere and 7 in Central sphere. The important points in dispute were recognition of workers' union, wages for the period of involuntary unemployment, increase in wages and dearness allowance, grant of bonus, provision for quarters, gratuity and provident fund facilities, etc. Only one dispute, viz., that relating to Delhi Cloth and General Mills, Ltd., was settled through arbitration. The Arbitrator's award on the question of payment for the period of involuntary unemployment and under employment was as follows:—

“In case of involuntary unemployment or underemployment due to curfew and other reasons beyond the control of the workers or employers, the piece workers would be paid 75 per cent. of their average basic earnings together with full dearness allowance if the period of unemployment does not exceed 8 days in a calendar month. When in a calendar month involuntary employment exceeds 8 days, time rate workers would be paid in proportion to the number of hours worked and piece workers according to the results with 75 per cent. of dearness allowance due for all days in excess of 8 days. If the workers get the full advantage of the above mentioned concession for three consecutive calendar months the management shall have the right to re-open the whole question”.

This award was also accepted by the Birla Cotton Spinning and Weaving Mills, Ltd.

*(B) States.*

**(1) Rampur.**

In connection with a dispute between the Raja Textiles, Ltd., and its employees regarding increased wages and dearness allowance, holidays with pay, etc., the State Government appointed a Conciliation Board under the Rampur State Industrial Disputes Act. The workers, however, stated that they would settle their case with the employers direct or through the State Labour Officer, if necessary, and the Board was dissolved.

Most of the industrial disputes which occurred in the State during the year were settled amicably either with the intervention of the State Government or through the efforts of the State Labour Officer.

**(2) Travancore.**

In almost all the industries in the State, there were several trade disputes regarding enhancement of wages and dearness allowance, annual bonus, holidays with pay, etc., but amicable settlements were brought about through the timely intervention of the officers of the State Labour Department.

In the beginning of the year under report, three trade disputes between (1) the Alleppey Boat owners and their crew, (2) the management and the workers of the Indian Aluminium Company, Ltd., Alwaye and (3) the Cashewnut Workers' Union and the Cashewnut Manufacturers' Association, Quilon, were under adjudication and the decisions of the respective District Judges were pending. But with the banning of the Trade Unions, the adjudication proceedings were stayed by the order of the Government.

As a result of the banning of several Trade Unions during the year, Trade Union activity remained at a low ebb. The ban was lifted towards the end of the year. As a first step towards re-organising labour, Factory Committees, one for each factory, were set up at the instance of the State Labour Department. The members of these Committees were elected by the vote of the workers in each factory and a beginning made in the case of the Coir industry as an experiment, was followed by almost all the industrial concerns in the various industrial centres of the State. These committees have generally proved to be an effective instrument in solving day to day labour problems.

Industrial Relations Committees which had come into existence during the war in the Coir industry were reconstituted, after the banning of the Trade Unions, on the model of the British Joint Negotiating Machinery and during the year under review such Committees were set up for several industries. These were mostly fruitful in establishing proper understanding between the workers and their employers.

**(3) Cochin.**

During the year under review, 158 trade disputes were handled by the Labour Department. Of these, 146 were settled by departmental conciliation, 11 were referred for adjudication and 1 to a Board of Conciliation. In the case of wages, bonus, etc., the awards were mostly in favour of the workmen. Annexure IV gives a summary of the important awards.

The total number of registered Trade Unions at the end of the year was 11, while the number of unregistered Trade Unions was 59.

**(4) Baroda.**

The State Government have appointed an *ad hoc* Tripartite Labour Committee to consider and report on matters pertaining to labour conditions in textile mills and industries. This Committee is working as a *de facto* Industrial Court and the State Government have directed that no strike or lock-out should be resorted to and all disputes should be referred to this Committee.

A brief account of the disputes referred to and resolved by the Tripartite Labour Committee will be found in Annexure V.

**(5) Mysore.**

Labour conditions in the State during the year under review were generally peaceful except for a few strikes staged by the workers in some of the industrial concerns. The main causes of the strikes were workers' demands for increased wages, grant of increments, enhancement in dearness allowance, payment of bonus, reinstatement of discharged workers etc. In most cases, the timely intervention of the State Labour Department helped the managements and the labourers to come to amicable settlement. Where such interventions failed, the cases were referred to the Courts of Arbitration constituted by the State Government. A brief summary of the Awards is given in Annexure VI.

**(C) LEGISLATION ON INDUSTRIAL RELATIONS (EITHER ENACTED DURING THE YEAR OR UNDER CONSIDERATION).****(A) Provincial Governments.****(1) Madras.**

The Provincial Government propose shortly to introduce a Bill in the Provincial Legislature to amend the provisions of the Industrial Disputes Act. The proposed amendments (if passed by the Legislature) would, among others, make punishable with imprisonment or fine any party (employers or trade union leaders) which violates the award of a Tribunal, empower the Provincial Government to examine the accounts of any industrial establishment, to take over mills to prevent millowners from closing down their mills on the plea of loss, to examine the accounts of those mills which have already closed down and to compel employers to implement the award of a Tribunal as also to pay wages during an illegal lock-out.

In order that frictions between employers and employees arising out of disputes relating to personnel may, in future, be avoided, the Provincial Government are taking powers to constitute Industrial Courts in the Province.

A proposal to bring in legislation to provide for a speedy and effective machinery for settlement of agricultural disputes is under consideration. Constitution of Agricultural Tribunals is contemplated in this proposal.

**(2) East Punjab.**

The Trade Disputes Act, 1929 (which had been held over since it was passed) was enforced in the Province with effect from April 1947.

**(3) Central Provinces and Berar.**

The Central Provinces and Berar Industrial Disputes Settlement Act, 1947, was passed. It provides for the promotion of peaceful and amicable

settlement of industrial disputes by conciliation and arbitration, establishment of Works Committees, Provincial and District Industrial Courts, Conciliation Machinery and Board of Arbitration. The Act also contains provisions for the registration of recognised Unions and settlement of Standing Orders. Draft rules under the Act have been published for eliciting public opinion.

Rules under the Industrial Disputes Act, 1947, and Rules and Model Standing Orders under the Industrial Employment (Standing Orders) Act, 1946, have been framed by the Provincial Government.

The Central Provinces and Berar Validation of Awards and Continuance of Proceedings (Industrial Disputes), Act, 1947, was enacted during the year under review.

#### (4) West Bengal.

Rules under the Industrial Disputes Act, 1947, were promulgated during the year under review.

#### (5) Bihar.

The Provincial Government are examining the question of promulgating an Ordinance on the lines of the United Provinces Ordinance for making provision for 14 days' notice of strike in the case of all factories.

#### (6) Bombay.

During the year under review, the Provincial Government passed the following Acts:—

(i) Bombay Industrial Relations Act, 1946, and

(ii) Bombay Adjudication (Transfer and Continuance) Act, 1947.

The Bombay Industrial Relations Act is based on the principles on which the Bombay Industrial Disputes Act, 1938, was framed. The present Act, however, attempts to carry those principles a little further. The following are some of the fundamental changes introduced by the Act:—

(i) It provides for a new class of unions, viz., primary unions. A union which has a membership of not less than 15 per cent. of the total number of employees employed in any undertaking in the industry and which complies with certain specified conditions can get itself registered as a primary union.

(ii) The range of activities of a registered union has been enlarged by enabling it to act as a representative of employees on behalf of non-members who may choose such a union for the purpose of representing them in any proceedings.

(iii) The Act provides for the maintenance of a list of approved unions.

(iv) The approved unions will enjoy various advantages including the right of inspecting any place where their members work, collecting union dues on the employers' premises and legal aid at Government expense.

(v) The Act attempts to complete the labour judiciary by providing for the creation of a new institution, namely, the Labour Courts. The Labour Courts have been invested with the power to decide cases regarding illegal strikes and lock-outs, etc.

(vi) It provides for the establishment of joint committees with a view to establishing direct and continuous touch between the representatives of employers and employees.

**(7) Orissa.**

Draft rules under the Industrial Disputes Act, 1947, have been published by the Provincial Government.

**(8) United Provinces.**

The Government of India Industrial Disputes Act, 1947, not being entirely suited to the conditions of United Provinces, the Provincial Government promulgated, as an interim measure, the United Provinces Industrial Disputes Ordinance, 1947, and the United Provinces Industrial Disputes (Second) Ordinance, 1947, to be replaced shortly by an Act on the same lines, pending subsequent enactment of more comprehensive legislation.

**(9) Delhi.**

Under the Industrial Disputes Act, 1947, the Director of Industries and Labour and the Labour Officer were appointed as Conciliation Officers. Steps are being taken to get Works Committees formed in all important industrial undertakings which are to have such Committees under the Act.

**(B) States.****(1) Rampur.**

An Act called the Rampur State Industrial Disputes Act was passed by the State Government in 1947 for the investigation and settlement of disputes.

**(2) Travancore.**

The Travancore Trade Boards Bill, modelled after the British Trade Board Act of 1909 and 1918, has been introduced in the State Legislature.

The introduction of three Bills in the Legislature, viz., the Industrial Establishment Bill for the framing of standing orders by employers, the Industrial Disputes Bill and a Bill to amend the Trade Unions Act for compulsory recognition of registered Trade Unions under prescribed conditions, is under the State Government's consideration.

**(3) Patiala.**

The Trade Employees Act was enacted during the year under review.

The Trade Disputes Act and the Trade Unions Act are engaging the attention of the State authorities.

**(4) Cochin.**

The following laws were enacted during the year:—

(i) The Trade Disputes Adjudication Proclamation, providing for the reference of trade disputes for adjudication and repealing the provisions of the Defence of India Rules in this behalf and

(ii) The Trade Disputes Adjudication Amendment Proclamation, prohibiting the closing of Industrial establishments during the pendency of adjudication proceedings and defining the status of the adjudicator.

The Cochin Industrial Disputes Bill and the Cochin Trade Unions Act Amendment Bill were published in the Gazette for general information preliminary to their introduction in the Legislative Council.

**(5) Baroda.**

The State Government promulgated the Emergency Provisions (Continuance) Ordinance, 1947. Among other provisions it continued in force Rule 81A of the Defence of India Rules as applied to the State of Baroda providing for avoidance of strikes and lock-outs.

The State Government propose to introduce a comprehensive legislation similar to the Bombay Industrial Relations Act, 1946. A Committee under the Chairmanship of the Hon'ble the Co-operation and Labour Member has been appointed to scrutinise the draft Bill.

The matter of adopting a legislation corresponding to the (Indian) Industrial Employment (Standing Orders) Act, 1946, in the State is in progress.

With a view to implementing the decisions of the Indian Industries Conference held at New Delhi in December 1947, His Highness the Maharaja Sahib has been pleased to direct that Works Committees consisting of representatives of employers and workers should be constituted in industrial concerns.

**(6) Mysore.**

The following four Bills were introduced in the December 1947 Session of the Mysore Representative Assembly:—

- (i) Holidays with Pay Act (amendment to the existing Mysore Factories Act, 1936),
- (ii) Starting of canteens in the industrial concerns employing hundred workers and more (amendment to the existing Mysore Factories Act, 1936),
- (iii) Payment of Wages Bill, and
- (iv) Shops and Establishments Bill.

These were passed by the Legislative Council in January, 1948. The first three Bills follow the lines of the Central Government Act, while the fourth is on the lines of the Bombay and Madras Acts.

The question of amending or replacing the existing Mysore Labour Act, 1942, on the lines of the Bombay Industrial Relations Act or the Industrial Disputes Act of the Government of India is under active consideration.

**(II) Other important Labour Legislation.****(a) Provincial Governments.****(1) Madras.**

During the year under review the Provincial Legislature passed the following two Bills:—

- (i) Madras Non-Power Factories Bill and
- (ii) Madras Shops and Establishments Bill.

The Bills are awaiting the assent of His Excellency the Governor-General.

The main provisions of the Bills are prohibition of employment of children below 14 years, reduction of working hours to 8, regulation of payment of wages and overtime wages and wages in lieu of notice of discharge, 36 days' holidays with wages per year (12 days' privilege leave, 12 days' casual leave and 12 days' sick leave), prohibition of discharge of

workers except on reasonable grounds and provision of a right of appeal to an authority empowered by Government and grant of weekly holidays with pay.

The Rules under the Industrial Employment (Standing Orders) Act, 1946, have been finalised by the Provincial Government who are taking steps for the certification of standing orders according to these rules.

### (2) Coorg.

The Industrial Employment (Standing Orders) Act, 1946, has been brought into force in Coorg.

### (3) Central Provinces and Berar.

The Central Provinces and Berar Shops and Establishments Act was enacted during the year under review. Its main provisions are regulation of holidays, payment of wages for overtime work and leave of persons employed in shops, commercial establishments, restaurants, eating houses, theatres and other establishments, prohibition of employment of children under 12 in any such establishment and also appointment of Inspectors for carrying out its provisions. Rules under the Act have been published.

### (4) West Bengal.

The Maternity Benefit (Tea Plantations) Bill (the provisions of which are modelled on those of the Bengal Maternity Benefit Act and the benefits provided are similar to those in the Workmen's State Insurance Bill introduced in the Central Legislature) has been drafted and will be introduced in the Provincial Legislature during the current year.

### (5) Bihar.

The Provincial Legislature passed the Bihar Maternity Benefit Act, 1947, and repealed the Bihar Maternity Benefit Act, 1945. The Act provides for leave with pay for 4 weeks before and after confinement.

The Provincial Government have framed rules under the Industrial Employment (Standing Orders) Act, 1946, and have extended the provisions of the Factories Act and the Payment of Wages Act to Mica and Shellac Factories which do not use power and in which 20 or more workers are employed.

The extension of the provisions of the Payment of Wages Act to all persons employed in motor omnibus and the inland steam navigation service is under consideration. The Provincial Government are also contemplating to amend sections 55 and 60 of the Civil Procedure Code and to make solicitation by money lenders near the factory gate or in a public place a criminal offence.

### (6) Orissa.

It has been decided by the Provincial Government that the provisions of the Payment of Wages Act should be made applicable to all classes of workers employed in motor vehicles industry.

The Weekly Holidays Act, 1942, has been brought into force within the municipal areas of Cuttack, Puri and Berhampur. Rules under the Act have also been framed and the Subdivisional Officers of Cuttack Sadar, Puri Sadar and Berhampur Subdivision have been appointed as Inspectors under the Act.

Rules under the Industrial Employment (Standing Orders) Act, 1946, have been framed.

### (7) United Provinces.

During the year under review, the Provincial Government passed the United Provinces Shops and Commercial Establishments Act, 1947.

The Act aims at regulating the hours of work, payment of wages, etc., of commercial employees. The hours of work of employees, excluding intervals for rest and for meals, have been fixed at 8 hours per day in the case of adults and 6 hours per day in the case of children (i.e., those below 14 years of age) and young persons (i.e., those between 14 and 17 years). The employment of children below 14, except as apprentices, is prohibited. The Act provides for weekly closure of shops and establishments and weekly holidays for the employees and also for closure on gazetted holidays. The Act lays down that employees will be entitled to 15 days' ordinary leave after 12 months' continuous service and 15 days' sickness leave during any calendar year after 6 months' continuous service. All holidays and leave granted under the Act are to be paid at the ordinary rates of pay. Under the Act, no wage period is to exceed one month and all wages are to be paid in cash and within 7 days of the expiry of the wage period. The total amount of fine imposed on any employee is not to exceed an amount equivalent to six pies in the rupee of wages payable. All fines realised must be recorded in a register and utilised only for the benefit of workers. No employee can be discharged unless one month's previous notice or wages in lieu of notice is given to him; similarly, an employee wishing to terminate his employment must give similar notice.

The Act also extends the provisions of the Workmen's Compensation Act, 1923, to every employee of a shop or commercial establishment.

The Act has, in the first instance, been made applicable to the municipal and cantonment areas of 25 important cities of the Province. For the enforcement of the Act and rules made thereunder, a staff of 13 Inspectors and a Deputy Chief Inspector has been appointed.

In April 1947, the provisions of the Payment of Wages Act was extended to all classes of employed persons in all such establishments as are registered under section 5 of the Factories Act, 1934.

In order to prevent the taking of sweated labour from children in the brassware industry, the Government have under contemplation the extension of the Employment of Children's Act to this industry.

### (b) States.

#### (1) Rampur.

The Rampur State Factories Act, 1946, which repealed the Rampur State Factories Act, 1936, was passed and it came into force with effect from January 1947.

The Industrial Employment (Standing Orders) Act came into force in the State with effect from the 8th January 1947. This Act requires employers in industrial concerns to define with sufficient precision the conditions of employment under them and to make these conditions known to workmen.

The State Government proposes to introduce a Bill in the next session of the State Legislative Assembly to amend the Factories Act providing for the establishment of canteens.



**(2) Cochin.**

The following laws were enacted during the year:—

(i) Factories Amendment Act reducing the daily working hours in factories from 10 to 9 and the weekly working hours from 54 to 48 and fixing overtime wages at double the normal rate.

(ii) Maternity Benefit Amendment Act raising the rate of maternity allowance from 3 annas to 8 annas a day.

(iii) Industrial Employment (Standing Orders) Act, making it obligatory on factories employing 50 or more workmen to frame standing orders regulating the conditions of employment and providing for their certification.

Rules under the Factories Amendment Act and the Industrial Establishment (Standing Orders) Act were framed. Public Works Department Contractors' Labour Regulations and Model Rules for the protection of health and safety of the workers employed by the Cochin Public Works Department and the contractors were also passed.

Rules under Motor Vehicles Act were amended so as to bring the employees of motor omnibus service under the scheme for compulsory insurance. Proposals for bringing the motor omnibus service and plantation labour within the purview of the Payment of Wages Act are under consideration.

**(3) Baroda.**

The Shops and Establishments Act, 1947, came into force in April 1947.

The Maternity Benefit (Amendment) Bill, 1947, providing for an increase in the rate of benefit from 6 annas to 12 annas per day, was passed into an Act.

The Factories (Amendment) Act, providing for (a) canteens in factories wherein more than 250 workers are ordinarily employed and (b) payment of overtime at double the ordinary rate, etc., has been passed into an Act.

The Factories (Amendment) Bill, providing for holidays with pay, is before the Legislature.

**(4) Mysore.**

The State Government are contemplating to introduce the following legislation in Mysore:—

- (i) Employment of Children Act,
- (ii) Minimum Wages Act, and
- (iii) Sickness Insurance Act.

With a view to widening the scope of the Mysore Workmen's Compensation Act, a survey into the incidence of occupational diseases in the State is being conducted.

In pursuance of the decisions arrived at at the Tripartite Plantation Conference held in New Delhi on the 8th and 9th of January 1947, a sample survey into the wage requirements and other conditions of workers in Coffee Plantations of Mysore has been conducted and the report is under consideration. The object of the survey is to enact separate legislation for the benefit of this class of labour.

**(III) Labour Welfare Activities.****(A) Provincial Governments.****(1) Madras.**

A scheme for the establishment, with the help of the millowners, of a Labour Welfare Centre in Coimbatore is under the consideration of the Provincial Government.

**(2) Ajmer-Merwara.**

Notifications were issued by the local Government during the year compelling the textile mills to provide creches for workers' children and suitable rooms for the workers during rest hours.

**(3) East Punjab.**

Government have appointed a Labour Officer who has been asked to look into among other things, the housing of workers and sanitary conditions in the factories. A proposal to appoint five Labour Welfare Officers is under consideration.

**(4) Coorg.**

Two of the factories and some of the planters have made arrangements for free medical aid for their workers.

**(5) Central Provinces and Berar.**

A Labour Welfare Scheme is under the consideration of the Provincial Government. Its main features are the establishment of Welfare Centres at several places in the Province, providing facilities for indoor and outdoor games for labourers, establishment of circulating libraries, reading rooms, mobile cinema vans, installation of radio sets and provision for child and maternity welfare centres.

**(6) Bengal.**

The Labour Welfare Centres have been reorganised and they are 17 in number at present. These Centres would serve as a model for Welfare Centres to be organised by the industries themselves. The activities of the Welfare Centres include propaganda, library, sports, radio sets, dispensaries, etc. The Provincial Government propose to appoint a Lady Assistant Labour Commissioner to organise and look after the welfare activities connected with women workers.

**(7) Bihar.**

The Provincial Government have not so far undertaken any labour welfare activities or appointed their own Labour Welfare Officers but made attempts to persuade employers to create Welfare Trust Funds, and appoint Labour Officers or Labour Welfare Officers.

**(8) United Provinces.**

The Provincial Government has a well-established Labour Welfare Organisation, which deals with all labour welfare activities of Government, including the management of the running of the Government Labour Welfare Centres. The number of Welfare Centres is 33 at present, consisting

of 8 "A" class, 14 "B" class and 11 "C" class centres. The nature of the activities of each class of centres is as follows:—

(i) "A" class centres have allopathic dispensaries, reading rooms, libraries, playfields, radios, sewing classes, arrangements for free distribution of milk, child welfare and maternity benefits and provision for indoor and outdoor games and sports.

(ii) "B" class centres have all the facilities provided for at "A" class centres except that in them there are Homeopathic dispensaries instead of Allopathic ones.

(iii) "C" class centres have only reading rooms, libraries and arrangements for indoor and outdoor games and sports.

In addition to the above, occasional cinema shows, picnics, lectures, debates, *Kavi-Sammelans*, *musha-e-ras*, etc., are also provided for in these centres. Free distribution of milk to patients is a feature of the welfare activities.

The Provincial Government propose to make compulsory provision for the establishment of canteens in all factories employing 250 or more persons.

They have also a scheme to train youngmen in social services at Shri Kashi Vidyapitha, Banaras, to take up the role of Labour Welfare Officers, leaders of Labour Unions, etc.

### (9) Bombay.

(Information regarding the latest position was not received from the Provincial Government, but from such materials as were readily available, the position appears to be as given in the following paragraphs):—

Model welfare centres were organised in the Province of Bombay for the first time in the year 1939.

Some 28 welfare centres have been organised in Bombay and these have been classified under four types; viz., A, B, C and D. According to available information the position appears to be as follows:—

#### *Classes of welfare centres and their number.*

	A	B	C	D
(i) Bombay City ..	3	..	9	4
(ii) Ahmedabad ..	1	(not opened)	4	..
(iii) Sholapur ..	1	..	5	..
(iv) Hubli ..	..	..	1	..
	—	—	—	—
Total ..	5	..	19	4-28
	—	—	—	—

According to the revised five-year plan for post-war reconstruction of the Government of Bombay, it is proposed to (a) bring the "A" type centre at Sholapur in line with the existing "A" type centres in Bombay, (b) establish one "B" type centre each at Broach, Barsi, Amalner, Viramgam, Surat, Jalgaon, Dhulia, Nadiad and Hubli and three in Bombay, (c) open two additional "A" type centres each at Ahmedabad and Sholapur, (d) establish 15 additional "C" type centres each in Bombay city and Ahmedabad and 3 at Sholapur and (e) open four "B" type centres one each at Poona, Gadag, Gokak and Chalisgaon.

The "A" class centres have the following facilities:—

- (a) Full-time nursery school,
- (b) Women's section providing literary, sewing and embroidery classes and games,
- (c) Outdoor games and gymnasium with all facilities for men,
- (d) Water taps and shower baths separately for men and women,
- (e) Libraries,
- (f) Monthly cinema shows,
- (g) Well equipped dispensaries.

"B" class centres are a replica of "A" class centres but on a smaller scale.

"C" class centres provide for indoor recreation and educational facilities, libraries and dispensaries.

"D" class centres provide for only outdoor games and sports.

The response from the workers is reported to be very satisfactory.

The Government of Bombay have appointed a Director of Labour Welfare. A chart of the activities of the Labour Welfare Department is given below:—

#### DIVISION I. *Entertainment.*

- (A) Visual Aids—
  - (a) Cinema.
  - (b) Ephidiascope and magic lantern.
  - (c) Exhibitions (pictures, posters and charts).
- (B) Drama and music (including concerts and radiogram).
- (C) Indoor games.
- (D) Other entertainments.

#### DIVISION II. *Health.*

- (A) Physical Education—
  - (a) Outdoor games and sports.
  - (b) Gymnasium activities.
  - (c) Children's playground.
- (B) Health education—
  - (a) Accident prevention.
  - (b) First-aid.
  - (c) Hygiene.
  - (d) Other health matters.
- (C) Medical Inspection.
- (D) Health advice and medical aid
- (E) Health literature.
- (F) Scouting and clubs.
- (G) Health restaurants.

## DIVISION III.

*Instruction.*

- (A) Reading room and library.
- (B) Adult education.
- (C) Special instruction (labour legislation and labour movement and other subjects).

## DIVISION IV.

*Employment aids.*

- (A) Training for Alternative Occupations—
  - (a) Handicraft.
  - (b) Mechanical.
- (B) Technical Training—
  - (a) Adults.
  - (b) Children.
- (C) Employment Bureau.
- (D) Provision of work for the unemployed.

## DIVISION V.

*Welfare and anti-drink propaganda.*

- (A) General (meetings, group talks, etc.)
- (B) Voluntary assistance, welfare committees and contacts.
- (C) Publicity.
- (D) Special measures regarding anti-drink propaganda.
- (E) Special measures regarding health propaganda.

## DIVISION VI.

*Co-operation.*

Help in organisation of—

- (A) Co-operative Credit Societies.
- (B) Co-operative Stores.
- (C) Co-operative Banks.

## DIVISION VII.

*Special activities for women and children.*

- (A) Nursery School.
- (B) Sewing Classes.
- (C) Clubs.
- (D) Other activities.

## DIVISION VIII.

*Information.*

- (A) Library.
- (B) Cuttings and references.
- (C) Routine enquiries (regarding labour welfare, labour administration, etc.)
- (D) Special social investigations.
- (E) Miscellaneous.

DIVISION IX.  
*Subsidiary Activities.*

- (A) Preparation of films.
- (B) Photography and slides.
- (C) Painting (pictures, charts, posters, etc.).

DIVISION X.  
*General administration.*

- (A) Office organization.—
  - (a) Rules and procedure, etc.
  - (b) Division and allotment of work.
- (B) General organisation of welfare centres.
- (C) Staff and training.
- (D) Cash, accounts and stationery.
- (E) Records.
- (F) Reports.
- (G) Correspondence.
- (H) Dealings with other departments or bodies.
- (I) Other arrangements.

DIVISION XI.

Miscellaneous.

(10) **Delhi.**

Some employers have provided housing to their workers.

(B) *States.*

(1) **Rampur.**

The question of setting up a proper machinery for ascertaining the loss of efficiency caused to industry through under-feeding, bad housing, etc., giving advice on special industrial health problems and certain other matters, is under the consideration of the Department of Industries and Labour of the State.

Two big industrial concerns in the State, viz., Sir J. P. Srivastava and Sons (Rampur), Limited and Messrs Govan Brothers (Rampur), Limited, have provided under the State Government's instructions and supervision 500 quarters, co-operative stalls, sanitary arrangements in factories, hospitals with free supply of medicine, two lower middle schools, clubs for recreation, etc., to their workers.

(2) **Travancore.**

A welfare staff consisting of 6 Labour Inspectors, 3 Labour Welfare Officers, 12 Welfare Supervisors and 90 Welfare Workers was organised and posted in the various industrial centres. They succeeded in prevailing upon several employers to establish industrial canteens, some of which are giving mid-day meals at concessional rates in addition to tea and snacks supplied by all the canteens. They also visited several factories during the year and effected improvements in them.

**(3) Patiala.**

The large industrial concerns in the State have made arrangements for hospitals, dispensaries, free schooling for workers' children, etc. Industrial canteens are also being established.

**(4) Cochin.**

During the year, three factories had Labour Welfare Officers.

Free medical aid was given to the operatives in 17 factories.

Proposals for inducing factory-owners to afford facilities for adult education to the operatives are under consideration.

Canteens exist in eight factories in the State. More canteens could not be opened due to shortage of sugar and rice.

While rest rooms are provided in 29 factories, only four have creches.

**(5) Mysore.**

The State Government re-constituted the Labour Welfare Board with the Labour Commissioner as chairman, consisting of the representatives of Government, employees, employers and also representatives of women's interest.

Two model recreation centres are being run by the State Labour Department in the working class areas of Bangalore City to afford recreational facilities, such as, indoor games, reading rooms, library, *bhajan* parties, etc., to the workers. Proposals for starting two such centres in the working class areas of the Mysore City are under consideration.

The State Government are considering the posting of departmentally trained Labour Welfare Officers in all the Government-owned or Government-aided industrial concerns of the State employing 300 or more workers.

**(IV) Housing of Workers and People in small income groups.****(A) Provincial Governments.****(1) Madras.**

Only a small percentage of industrial workers have been housed in the Province and although the Government of India have offered to give financial and technical assistance in the matter and the Provincial Government have also offered financial assistance, the response from the employers has not been adequate.

As regards housing of people in small income groups and the improvement in housing in general, the Report submitted by a special committee appointed by Government is under consideration.

The Co-operative Department has also taken up housing schemes in big centres like Madras, Madura, Vellore, etc.

**(2) Ajmer-Merwara.**

The three textile mills at Beawar provided "Chawls" for their workers near the mill areas. The employers of Shri Bijay Cotton Mills, Limited, Bijainagar, have some quarters on lease near the Mills to be allotted to the needy workers.

**(3) East Punjab.**

New licences for the establishment of factories are being given subject to the specific condition that adequate housing accommodation would be provided for by the owners to the workers.

## (4) Coorg.

Only two of the 10 factories in Coorg have provided housing accommodation to their workmen. Some of the planters have started building tenements for their workers, each tenement consisting of one living room, a kitchen, etc.

## (5) Central Provinces and Berar.

A provision of Rs. 1½ lakhs for the housing of industrial workers has been made by the Provincial Government in their Budget for 1947-48 but no progress could be made due to various reasons. The municipal committees in the Province are reported to be launching upon a housing scheme for providing housing to 15,000 sweepers at an estimated cost of Rs. 38 lakhs.

## (6) Bengal.

Due to acute shortage of building materials, very little could be done. In pursuance of one of the decisions arrived at the Tripartite Plantation Conference held in New Delhi in January 1947, the Indian Tea Association has submitted for the consideration of the Provincial Government a scheme for the housing of plantation labour in North East India (excluding Darjeeling). Briefly stated, each house will consist of 2 main rooms (exclusive of a verandah), the floor area of which shall not be less than 220 square feet and the height not less than 10 feet 6 inches and will have a pucca plinth, adequate washing facilities, supply of pure drinking water, a family lavatory or latrine and a compound for growing vegetables and a cattle shed.

The imposition of a welfare cess on export of tea to provide some funds for the housing scheme has been recommended.

## (7) Bombay.

The Government of Bombay have drawn up a five-year programme of housing according to which about 15,000 tenements are proposed to be erected, besides the conversion of existing structures. It has been considered that the housing of the workers is the responsibility of the employers and the Government, therefore, proposed to impose a levy on them.

The broad features of the programme are the abolition of one-room tenements, construction of dormitories and hostels for single persons and tenements to suit all sizes of families and fixing rents to suit the pockets of persons in low income groups. The different types of tenements proposed to be erected consist of the following:—

(A) *Hostels and dormitories*.—In hostels, there will be a cubicle for each person 11'3" × 9' in size, that is having a carpet area of 101 square feet.

Each room in the dormitories will accommodate ten persons. Provision will be made at the rate of 60 sq. ft. of carpet area per person.

(B) *Tenements for small families, that is, family units of not more than two adults and two children*.—Each tenement will have an area of 195 sq. ft., consisting of a living room of 135 sq. ft., and a kitchen of 60 sq. ft.

(C) *Tenements for medium size families, that is, family units of not more than three adults and two children*.—Each tenement will have an area of 320 sq. ft. consisting of two living rooms, 120 and 100 sq. ft. and a kitchen of 100 sq. ft.

(D) *Tenements for larger families*.—The area of the tenements will be 444 sq. ft. consisting of two living rooms of 168 sq. ft. each and a kitchen of 108 sq. ft.



The standard rent will be as follows:—

Class A—Cubicle Rs. 4, Dormitories Rs. 2-8 per head.

Class B—Rs. 8 per family.

Class C—Rs. 10 per family.

Class D—Rs. 11 per family.

The proportion of the tenements proposed to be erected in the different categories—A, B, C, D,—are 10, 40, 40, and 10 respectively. The proposed time schedule is to build 1,000 houses in the first year, 2,000 in the second year, 3,000 in the third year, 4,000 in the fourth year and 5,000 in the fifth year.

Besides, in order to relieve the acute housing shortage, Government also propose to undertake to build houses designed to last for a period of from four to five years in places where climate and other conditions permit construction of this type. Military hutments have been procured in several places. The Government had also made arrangements for the inspection of surplus military structures with a view to purchasing such of the buildings as are capable of utilization.

To implement the Government's policy, three plots in Bombay, three in Ahmedabad and a plot belonging to Government in Sholapur have been selected. Besides the Government's projects, some of the local bodies have also housing schemes.

A Housing Commissioner has been entrusted with the task of co-ordinating building efforts in general and implementing the Government's programme, with the active co-operation and assistance of the Provincial Housing Advisory Committee.

#### (8) United Provinces.

The Provincial Government engaged an expert house planner from America to survey the existing housing conditions and to submit a report for the re-modelling of existing areas and new constructions. His report is under consideration. One of the officers of the Labour Department had also been asked to make a special study of the subject in the United Kingdom and in Bombay. His report and suggestions are also under consideration.

#### (B) States.

##### (1) Rampur.

In addition to the two big industrial concerns (referred to already) who have provided 500 quarters fitted with electricity and water taps, some of the smaller concerns have also provided housing accommodation to their workers. Programmes of extension of these colonies are in hand.

##### (2) Patiala.

About 70 per cent. of the nonseasonal workers in the factories in the State have been provided with houses. The houses consist of one or two rooms, a store, a kitchen, a bath-room fitted with water tap and are electrified.

##### (3) Cochin.

In 14 factories, quarters have been provided to the operatives but in most of these accommodation is limited.

(4) **Mysore.**

The question of housing of workers and people in small income groups is being actively pursued by the City Improvement Trust Boards of Bangalore and Mysore. A sub-committee appointed by the Policy Committee of the Industries and Commerce of the Mysore Economic Conference, is also examining the question.

**(V) Steps taken to strengthen the inspection services and to improve working conditions.****(A) Provincial Governments.****(1) Madras.**

During the year under review, the number of Factory Inspectors was increased from 11 to 22 besides the Deputy Chief Inspector of Factories. In addition to one Inspectress in Coimbatore, two more Inspectresses of Factories were appointed.

The number of Labour Officers (Conciliation Machinery) was increased from 7 to 11 from August 1947. Two posts of Labour Officers for Plantation areas were also created—one at Conoor in the Nilgiris district and the other at Pollachi in the Coimbatore district. The post at Pollachi could not, however, be filled for want of a suitable candidate.

The Provincial Government have appointed the Commissioner of Labour, the Deputy Chief Inspector of Factories, the Assistant Commissioner of Labour, the Labour Officers and the Inspectors of Factories as Conciliation Officers in their respective jurisdictions.

**(2) East Punjab.**

The existing staff consisting of one Chief Inspector, one Inspector, two additional Inspectors and a few *ex-officio* additional Inspectors is considered adequate, specially after the partition of the Province of Punjab.

**(3) Coorg.**

The District Magistrate of Coorg had so far been the Inspector of Factories. Since, however, it was found that it was not possible for him to cope with the work, a full-time Inspector was appointed. He has undergone Factory Inspector's Training held in November 1947, in Delhi.

**(4) Central Provinces and Berar.**

The inspection services are being strengthened by the appointment of two additional Inspectors of Factories.

**(5) West Bengal.**

The Provincial Government are considering a proposal to appoint a junior cadre of Factory Inspectors who may not be fully technically qualified but may be suitable for the purpose of factory inspection under the guidance of a Senior Inspector.

**(6) Bihar.**

The whole Province has been divided into four circles and each circle has been placed in charge of a Factory Inspector.

**(7) Bombay.**

(a) *Steam Boilers and Smoke Nuisances Department.*—With a view to strengthening the inspection services of this department and to improving its working conditions, the following proposals are under consideration:—

- (i) More useful employment of the department in effecting higher operational efficiency of power plants for the purpose of effecting economy in fuel;
- (ii) Engagement of additional staff that will be necessary following the introduction of the regulations governing the registration and inspection of economisers, and
- (iii) Up-grading of about 40 per cent. of the present strength of the Inspectorate on a comparable basis with that of the Senior Factory Inspectors.

(b) *Factory Department.*—The existing permanent staff consists of 3 senior Inspectors, 5 Junior Inspectors, 2 Inspectors of Notified Factories, one Inspector under the Payment of Wages Act, one Lady Inspector of Factories and two Certifying Surgeons. The staff has been augmented by the appointment of temporary staff consisting of 2 Junior Inspectors, 2 Inspectors of Notified Factories and one Payment of Wages Inspector. This staff has been further augmented late in 1947 by the appointment of one Senior Inspector and two Junior Inspectors.

**(8) Orissa.**

The Provincial Government propose to strengthen their existing Inspectorate shortly.

**(9) United Provinces.**

The expansion of the Factory Inspectorate is one of the measures which the Provincial Government propose to pursue with vigour during 1948-49.

**(10) Delhi.**

Proposals to appoint a Medical Inspector and separate technical and non-technical inspectors are being actively considered.

**(B) States.****(1) Rampur.**

The State Government are taking steps to appoint Technical and Medical Inspectors in addition to the existing staff so as to secure proper and adequate enforcement of the Factories Act and other labour legislation.

**(2) Travancore.**

Towards the end of 1946, a Lady Inspector of Factories and a Medical Inspector of Factories were appointed and the Divisional Factory Inspectors were, therefore, able to pay more attention to the safety provisions of the Factories Act. As a result, the total number of industrial accidents during the year was considerably lower.

Through the efforts of the Lady Inspector of Factories, 108 women workers got the benefit provided by the Maternity Benefit Act.

During the year under report, steps were taken to provide creches and rest rooms in all the 160 cashewnut factories in the State.

A set of "Hazardous Occupations Rules" were finally approved by Government during the year.

**(3) Patiala.**

The Inspector of Factories and Boilers has been entrusted with the responsibility for the enforcement of the provisions relating to the various Labour Acts. Since the number of Factories is only 60, the State Government do not consider it necessary to appoint more Inspectors.

**(4) Cochin.**

In the State, the technical side of the Factories Act has been separated from the welfare side, the former being entrusted to the Inspector of Factories and Boilers and the latter to the Factory Inspectors of the Labour Department.

**(5) Baroda.**

It has been arranged, as a temporary measure, to distribute the work of factory inspection between the Director of Commerce, Industries and Labour, the Inspector of Factories and Boilers and the Labour Officer.

**(6) Mysore.**

There are, at present, two Inspectors and one Chief Inspector of Factories.

**(VI) General.****(A) Provincial Governments.****(1) Madras.**

During the year under review, a Wage Board and a Standardisation Committee were appointed by the Provincial Government for standardising the occupational nomenclature and for defining the duties of textile workers and fixing their work load and wages. The report submitted by the Standardisation Committee has been generally accepted by Government and recommended to workers and management of textile mills. The report of the Wage Board is under consideration.

Under the post-war reconstruction plans, a number of irrigation projects and development schemes have been started by Government and a large number of workers has been employed on the Thungabhadra Project. Other major projects are under investigation.

Steps to nationalise the motor transport industry are being taken by Government. This scheme has already been introduced in the City of Madras.

**(2) Ajmer-Merwara.**

A sugar factory has been set up at Bijainagar and it is expected that it will give employment to about 500 workers.

**(3) East Punjab.**

The mass migration of population due to partition has considerably retarded activity in almost every economic sphere but a large number of development plans including irrigation projects, hydro-electric power projects, expansion of industries including cottage industries, etc., is expected to provide employment opportunities for quite a large number of workers.

**(4) Central Provinces and Berar.**

A Provincial Labour Advisory Committee has been constituted by the Provincial Government with the Labour Minister as the Chairman and a

number of Government officials and representatives of employers, workers and consumers as members. The first meeting of the committee was held on 3rd January 1948 and a number of resolutions were adopted with a view to implementing the Labour Policy of the Provincial Government and to give effect to the resolution on industrial truce passed by the Tripartite Industries Conference held in December 1947 by the Central Government.

As a result of the closure of Ordnance Factories, Depots, etc., the general employment position considerably deteriorated during the year and although various small scale industries, including oil mills, have been established the position has not improved.

#### (5) West Bengal.

As a result of the development of Chittagong as a major port (in Pakistan) for the export of raw jute, the employment position in the jute mills in the Calcutta industrial area is likely to deteriorate. The Provincial Government, however, propose to spend (during 1948-49) Rs. 56½ lakhs on 21 irrigation projects and Rs. 8½ lakhs for the establishment of new Technical Schools at Asansol, Jalpaiguri and Darjeeling. These schemes will increase the demand for labour and train up artisans and lower categories of technical personnel.

#### (6) Bihar.

The Provincial Government have constituted a tripartite advisory organisation called the "Bihar Central Standing Labour Advisory Board" on which the Metallurgical and Engineering, Sugar, Mica, heavy industries, Coal, Food, Transport and miscellaneous industries have been represented with equal numbers of representatives of employers and employees together with representatives of Government.

#### (7) Bombay.

Broadly speaking, the development schemes at present under execution are mostly training schemes and schemes for increased production and it is difficult to assess the employment opportunities resulting from these schemes. On the other hand, the decontrol policy of the Government is likely to result in diminution in employment.

#### (8) Orissa.

With the establishment of some textile mills and other post-war schemes, the scope of employment is likely to increase. The accession of the Orissa States to the Province is expected to add to the employment opportunities.

#### (9) United Provinces.

The Provincial Government is preparing a five-year plan, the major items on this plan are likely to be as follows:—

##### I. *Legislative Items—*

- (1) Amendment of the Trade Union Regulations.
- (2) Industrial Disputes Bill.
- (3) Licensing of factories, with a view to prohibition of new factories in already over-crowded areas and permitting of new factories only after the employer has given an undertaking to provide reasonable housing accommodation to his employees on terms determined by Government.
- (4) Creation of a Welfare Trust Fund.
- (5) Enactment of a Welfare Act.

- (6) Creation of Wage Boards.
- (7) Unregulated Industrial Establishments Act.
- (8) Abolition of or control over contract labour.
- (9) Labour housing.
- (10) Amendment of the United Provinces Maternity Benefit Act.
- (11) Legislation regulating conditions of employment in motor transport, tramways and other similar services.
- (12) Regulation of hours of night shift work.
- (13) Amendment of the Payment of Wages Rules.
- (14) Legislative measure for Joint Production Committee.

## II. *Administrative items—*

- (1) Standardization of terms of service.
- (2) Stricter and better enforcement of the existing labour laws.
- (3) Enforcement of the United Provinces Shops and Commercial Establishments Act.
- (4) Reorganization of the Conciliation and Adjudication Machinery.
- (5) Housing Programme.
- (6) Collection of statistics on wages and contract labour.
- (7) Provident Fund Schemes.
- (8) Study of wages and standardization of occupational terms and wages.
- (9) Expansion of Factory Inspection Service.
- (10) Expansion of Labour Welfare Organisation.
- (11) Institution and expansion of a scheme for imparting industrial training to workers.
- (12) Study of administrative and financial aspects of unemployment insurance.
- (13) Expansion of employment exchange services.
- (14) Establishment of an Institute of Industrial Fatigue and Industrial Psychology and training in management of personnel.

The Provincial Government appointed the following Inquiry Committees during the year:—

(i) Printing Presses Labour Enquiry Committee to enquire into the questions relating to hours of work, conditions of employment, wages, bonus, etc., in Printing Presses in the big towns of the Province.

(ii) The United Provinces Labour Inquiry Committee to go into the conditions of employment and all other matters relating to labour employed in the various industries in the Province and to submit a report thereon. The Committee has appointed 10 sub-committees for (1) Textiles, (2) Sugar, (3) Leather, (4) Electricity and Engineering, (5) Printing Presses, (6) Oils, (7) Iron and Steel, (8) Shellac, (9) Glass and (10) Non-factory and Commercial Establishments.

The sub-committees have collected data on the questions of wages, dearness allowance and bonus. The first Report of the main committee on these questions is expected shortly. As an interim measure, the member concerns of the Employers' Association of Northern India have, in accordance with Government's advice, granted a 12½ per cent. increase in basic wages in all industries.

On account of the difficulty in obtaining plant, and consequential delay in the execution of the Provincial Government's scheme for power development, the industrialization of the Province has not been rapid and as such there has not been much scope for increased employment. Added to this, there has been an influx of a large number of refugees from Pakistan. The Provincial Government have, however, absorbed a number of *ex*-army men in road and other building projects. The Provincial Government also undertook to supply unskilled labour to coal fields in Bengal, Bihar and Hyderabad (Deccan).

(B) *States.*

(1) **Rampur.**

On account of expansion of industries under the management of Sir J. P. Srivastava and Sons (Rampur), Limited, it is expected that about 3,000 additional workers will be absorbed in the course of one year.

The Rampur Tannery and Manufacturing Company, Limited, absorbed about 100 workers during the year.

It is estimated that about 1,000 workers were thrown out of employment due to closure of the Central Ordnance Depots and temporary stoppage of work by the Rampur Maize Products, Limited.

(2) **Travancore.**

During the year under review, the slump and the consequent unemployment among the coir factory workers in the State became pronounced. Relief work, viz., the deepening of the existing irrigation and public tanks and canals were started in the affected areas. A major item of public work, viz., the construction of a canal 14 miles in length, was also sanctioned by Government. It is estimated that on an average 5,000 workers are daily engaged in these relief works.

*Plantation Labour.*

Early in 1947, the Labour Commissioner met in Conference with the representatives of the Association of Planters of Travancore and in pursuance of the decisions reached at the Conference, Works Committees consisting of representatives of workers and managements have been set up in many estates and Labour Officers have also been appointed by some managements. Proposals for conducting Family Budget enquiries in the Tea estates are under the consideration of the State Government.

*Agricultural Labour.*

Two conferences of the representatives of land-holders and agricultural workers were convened by the State Labour Department at which agreements were reached on wage rates and conditions of employment of permanent as well as casual agricultural workers.

(3) **Mysore.**

A proposal for constituting a Regional Employment Advisory Committee for Mysore is before the Government. This committee will consider ways and means for finding employment for the large number of unemployed persons (*ex*-servicemen as well as civilians).

The question of continuing the Regional Employment Exchange and Directorate of Resettlement and Employment as a permanent branch of the State Labour Department is under consideration.

The State Government propose to convene shortly a Tripartite Conference representing Government, employers and employees for a full and frank discussion on labour matters and for arriving at conclusions which would enable the State Government the implementation of the industrial truce for a period of three years.

## ANNEXURE I.

*Summary of important awards in West Bengal.*

## (I)

1. Name of the parties in dispute. Calcutta Electric Supply Corporation, Ltd.  
*vs.*  
Employees represented by Calcutta Electric Supply Corporation Mazdoor Union.
2. (a) No. and date of order of reference to Tribunal. No. 239Com., dated 14th January 1947.  
(b) Ditto (Award) .. No. 175Lab., dated 9th June 1947.
3. Terms of Award (made by Mr. R. Gupta, I.C.S.):— *Prior to adjudication.*
  - (i) Pay—
    - (a) Menials, etc. Rs. 35 per mensem. Rs. 26 to Rs. 28.
    - (b) For other non-clerical staff. (Min.) Rs. 35 and addition of Rs. 7 to starting pay of other upward scale. Rs. 28 and upwards.
    - (c) Clerical staff Rs. 70 (min.) Maximum correspondingly revised by Rs. 10. Rs. 60 per mensem.
  - (ii) Dearness allowance .. Rs. 13-3-6 .. Rs. 26.
  - (iii) Bonus .. 1 month's pay (on the company's working in 1945). Not paid after 1945.
  - (iv) Gratuity .. Not less than 6½ per cent. of salary (on retirement after 19 years' service). Paid under restricted condition to limited number of workers at company's direction.
  - (v) Holiday, etc. .. 1 day's pay for work on each gazetted holiday.

## (II)

1. Name of the parties in dispute. Indian Electric Works, Ltd.  
*vs.*  
Workers represented by India Electric Works Mazdoor Union.
2. (a) No. and date of order of reference to the Tribunal. No. 382Lab., dated 27th August 1947 read with addendum No. 417Lab., dated 9th September 1947.  
(b) Ditto (Award) .. No. 628Lab., dated 8th October 1947.
3. Terms of Award (made by Mr. S. C. Chakravarty)— *Prior to adjudication.*
  - (i) Pay—
 

Unskilled labourer	Rs. 30 (min)	..	Rs. 20-5-0 (min).
Semi-skilled labourer (Durwans).	Rs. 30 (min.)	..	Rs. 20.
Sardars	.. Rs. 35 (min.)	..	Rs. 29-4-0
Skilled labourers	.. Rs. 32 (min.), addition of Rs. 9-11-0/- to other higher wages.		Rs. 21-2-0 (min.).
Piece-rate workers	General increase of 20 per cent. of the present daily wage with a minimum of Rs. 32 for a month of 26 days.		Rs. 32 and less.
Middle class employees.	Rs. 55 (min.)	..	Rs. 32 (lowest).



			<i>Prior to adjudication.</i>
(ii) Dearness allowance for labourers (unskilled, semi-skilled and skilled piece-rate).	Rs. 30	..	Rs. 28.
For middle class employees.			
Pay Rs. 55 to Rs. 100 ..	Rs. 40.	..	
Rs. 101 to Rs. 150 ..	Rs. 45.	..	
Rs. 151 to Rs. 200 ..	Rs. 55.	..	
Rs. 201 to Rs. 250 ..	Rs. 60.	..	
Rs. 251 to Rs. 300 ..	Rs. 75.	..	
(iii) House allowance for labourers (skilled, unskilled and semi-skilled other than piece-rate workers).	Rs. 5.	..	Not paid.

## (III)

1. Name of the parties in dispute. The Calcutta Tramways Co., Ltd.  
vs.  
Its workers.
2. (a) No. and date of order of reference to Tribunal. 1700Com., dated 15th April 1947.  
(b) Ditto (Award) .. 114Lab., dated 27th May 1947.
3. Terms of award (made by Mr. S. N. Guha Roy, I.C.S.)—*Prior to adjudication.*  
(i) Pay— In 1939. Before strikes.  
(a) Working class employees—Min. wages in 1939 plus Rs. 22-8 or wages before strike plus Rs. 15 (minimum basic pay thereby fixed at Rs. 37-8 to Rs. 42-8 for the lowest categories). Min. Rs. 15 .. .. Rs. 22-8-0.  
(b) Middle class employees: minimum wage in 1939 plus Rs. 30 or minimum wages before strike plus Rs. 10 (minimum basic pay fixed thereby at Rs. 70). Rs. 40 .. .. Rs. 60.  
(c) Assistants, Law and Claims, minimum basic pay Rs. 200. Rs. 175 .. .. Rs. 175.  
(d) Switch-board operators' wages in 1939 plus Rs. 26-4 (minimum basic pay thereby fixed at Rs. 51-4). Rs. 25 .. .. Rs. 36.

## (IV)

- Name of the parties in dispute. Bengal Chemical and Pharmaceutical Works  
vs.  
Employees.
- (a) No. and date of order of reference to Tribunal. No. 321Lab., dated 26th July 1947 and 404 Lab., dated 6th September 1947.
- (b) Ditto (Award) .. No. 756Lab., dated 5th November 1947.
- Terms of award [made by Mr. S. N. Modak, I.C.S. (Retired)]—*Prior to adjudication.*  
(i) Pay— Minimum Rs. 28.  
(a) Increment of Rs. 2 for pay between Rs. 28 and Rs. 76 inclusive (minimum thereby fixed at Rs. 30).

*Prior to adjudication.*

(b) Increment of Rs. 3 for pay between Rs. 78 and Rs. 150.

(c) Increment of Rs. 11 for pay between Rs. 151 and Rs. 174.

(ii) Dearness allowance .. Rs. 22 to Rs. 50 on a graduated scale. Rs. 19 to Rs. 45.

(iii) Gratuity ..

(a) For service of 20 years or less—an average month's pay for each year of service. One month's average pay (calculated on the monthly pay drawn for last 3 years) for each year of service subject to the maximum of 12 months' pay. Maximum amount Rs. 2,500.

(b) For service of more than 20 years—the monthly averages for the last 20 years of service. Maximum amount in either case Rs. 4,000.

(iv) Holidays, etc. ..

(a) Employees with less than 5 years' service—20 days' privilege leave with pay (per annum); accumulation—2 years allowed.

(b) Service for 5 years or more —30 days' privilege leave with pay (per annum); accumulation—2 years allowed. 20 days' leave with pay for all permanent employees.

(c) 10 days' privilege leave with pay for permanent contract and daily rate workers. As in award.

(d) 30 days' privilege leave with pay for Durwans, etc., accumulation—2 years. As in award.

(e) Casual leave for 10 days with pay.

(f) Sick leave 10 days on Medical Certificate to permanent employees.

(g) 20 days' festival holidays As in award.

#### (V)

1. Name of the parties in dispute. Titaghur Paper Mills

*vs.*  
Employees.

2. (a) No. and date of order of reference to the Tribunal. No. 159Lab., dated 4th June 1947.

(b) Ditto (Award) .. No. 347Lab., dated 20th August 1947.

3. Terms of award (made by Mr. H. G. Waight, I.C.S.)—

*Prior to adjudication.*

(i) Pay—

(a) Workers .. Minimum basic pay Rs. 30 and a flat increase of Rs. 2 in higher pay. Rs. 28.

(b) Clerical staff .. Rs. 60 and graded increase of Rs. 5 to Rs. 3 for higher pay. Rs. 48.

(ii) Dearness allowance—

(a) Workers .. Rs. 30 .. .. Rs. 24.

(b) Clerical staff .. Rs. 35 .. .. Rs. 24.

*Prior to adjudication.*

- (iii) House allowance ..  
 (a) For workers not provided with accommodation Rs. 2 to Re. 1 on pay from Rs. 30 to Rs. 32.  
 (b) For clerical staff not provided with accommodation Rs. 5 to Re. 1 allowance being stopped on a basic pay of Rs. 80.  
 (iv) Gratuity  
 (a) For service of 10 years but not less than 15 years: 15 days' basic pay for each year of service.  
 (b) For service of 15 years but less than 20 years: 21 days' basic pay for each year of service.  
 (c) For service of 20 years and above: one month's pay for each year of service.

Nil.

Nil.

Nil.

(VI)

1. Name of the parties in India Paper Pulp Co., Ltd. dispute.

*vs.*

Its workers.

2. (a) No. and date of order of reference to Tribunal. No. 157Lab., dated 4th June 1947.  
 (b) Ditto (Award) .. No. 352Lab., dated 22nd August 1947.

3. Terms of award (made by Mr. H. G. Waight, I.C.S.)—

*Prior to adjudication.*

(i) Pay—

- (a) Workers .. Minimum basic pay Rs.30 and an addition of annas 10 to higher wages. Rs. 29-6-0 (minimum).  
 (b) Piece-rate workers Rs. 3, Rs. 2-11 and Rs. 1-15 for A, B and C class finishers respectively.  
 (c) Clerical staff .. Minimum basic pay Rs. 60 and an increment of Rs. 5 on basic pay for indoor clerks. Rs. 45 (minimum); scales for indoor clerks beginning at Rs. 55, Rs. 60 and Rs. 75.

(ii) Dearness allowance—

- (a) Workers .. Rs. 30 .. .. Rs. 20-2-0.  
 (b) Clerical staff .. Rs. 35 .. .. Rs. 16-2-0.

(iii) House allowance—

- (a) Workers .. Rs. 2 to Re. 1 on pay from Rs. 30 to Rs. 32-8-0. Not paid.  
 (b) Clerical staff .. Rs. 5 to Re. 1 on pay of Rs. 60 to Rs. 79.

(iv) Provident Fund ..

Employers' contribution to be fully covered by the company at 10 years' service.

Covered on 30 years' of service.

(VII).

1. Name of the parties in The Imperial Bank of India, Ltd. dispute.

*vs.*

Its employees.

2. No. and date of order of reference to Tribunal. No. 31Lab., dated 12th May 1947.  
 Ditto (Award) .. No. 340Lab., dated 4th August 1947.

*Prior to adjudication.*

3. Terms of award (made by  
Mr. R. Gupta, I.C.S.)—

(i) Pay :—

- (a) Clerical staff—Minimum  
basic pay Rs. 70  
and the revised grades  
stand as follows :—

Grade II—Rs. 70—4—126  
(E. B.)—130—5—175.

Grade I—Rs. 100—8—  
180 (E. B.)—10—250.

- (b) Seale for other staff  
(excepting menials)—  
Rs. 45—3—90.  
Rs. 35—2—65.

Lorry drivers and Head      Rs. 70—3—100 (in Calcutta).  
Messenger.                      Rs. 60—3—90 (other branches).

Deputy Head Messenger      Rs. 60—3—90 (in Calcutta).  
Rs. 50—3—80 (other branches).

- (c) Menials                      ..      Rs. 30—2—60.  
Rs. 32—2—62.  
The minimum basic pay for  
menial—Rs. 30.

(ii) Leave, holidays, etc.—

- (a) Privilege leave      ..      One month with pay and  
allowances in a year; accu-  
mulation—3 months.              Ordinary leave—14 days in  
a year.

- (b) Casual leave      ..      10 days.

- (c) Sick leave      ..      One month with pay and  
allowances subject to a  
maximum of 12 months in  
the whole service.              As in award.

- (d) Double wages for work on holidays.

*Dearness allowance.*—The Tribunals declined to enter into the whole question of dearness allowance and decide whether the dearness allowance paid was commensurate with the rise in the cost of living, as this question did not form an issue of the dispute. But the Tribunal proposed that the rate of dearness allowance should be so revised as not to affect any one adversely by the new rate after the 1st July 1947 and any one so affected should be recompensated to the extent of loss suffered from the 1st July 1947. The Bank should revise the rate and give effect to the proposal within one month of the publication of the award.

(VIII)

1. Name of the parties in      Bhartia Electric Steel Co., Ltd.  
dispute.                              *vs.*

Its workers.

2. (a) No. and date of order of      No. 72Lab., dated 17th May 1947.  
reference to tribunal :

- (b)      Ditto (Award) :      No. 385Lab., dated 28th August 1947.

3. Terms of award (made by  
Mr. H. G. Waight, I.C.S.)—

*\* Prior to adjudication.*

(i) Pay—

- (a) Minimum basic pay      Rs. 30 and a flat increase of      Rs. 20-5-0.  
for workers.                      Rs. 10 for workers drawing  
wages above Rs. 20-5-0.

			<i>Prior to adjudication.</i>
(b) Clerical staff	..	Minimum basic pay Rs. 60 and increase of Rs. 5 for pay between Rs. 65 and Rs. 100 inclusive.	Pay including dearness allowance Rs. 50.
(ii) Dearness allowance—			
(a) Workers	..	Minimum Rs. 35 Scale of dearness allowance— Rs. 35—30 for pay between Rs. 30—40.	Rs. 22-4-9.
(b) Clerical staff	..	Rs. 40.	
(iii) Leave and holidays, etc., for daily rated employees.		15 days' annual leave; accumulation—3 years.	12 days' privilege leave; accumulation—24 days.

## ANNEXURE II.

### *Summaries of Important Awards in Bihar.*

1. **Indian Steel & Wire Products, Ltd., Tatanagar.**—(a) The minimum basic wage of coolies which was annas 8 to annas 10 with an annual increment of anna 1 has been raised to annas 10 to annas 12 with biennial increment of anna 1 and that of rejas which was annas 6 to annas 8-6 with an annual increment of anna 1-3 to annas 9 to annas 11 with biennial increment of anna 1.

(b) Skilled and semi-skilled workers getting Rs. 1-8 or less a day have been given an increase of 25 per cent. and those getting more than Rs. 1-8 a day an increase of 12½ per cent. The clerks drawing less than Rs. 150 have been allowed an increase of 25 per cent.

(c) The bonus which has been paid on the discretion of the Management before the award will have to be linked with the profits of the Company. The present rate of bonus paid is four months' wages.

(d) The leave granted by the Company is 14 days' privilege leave and 2 days' festival leave for the daily rated monthly paid employees and 12 days' leave for the weekly paid staff and 1 month's privilege leave and 7 days' casual leave for the monthly staff.

(e) All employees in the permanent departments should be confirmed after one year's service.

(f) It has been recommended that in the case of breakdown of machineries or shutdown of department or departments not lasting for more than seven days the Company should provide alternative employment to the employees affected and that if it is unable to make such arrangement it should pay 50 per cent. of the wages to those employees provided they show their willingness to accept alternative employment. In the case of employees working on daily rates as well as in the case of employees working on piece system the Company shall pay half the basic wages plus the dearness allowance, emergency bonus and food rebate.

(g) The dearness allowance has been raised to the following scale which is the scale of the Tata Iron and Steel Company also:—

Employees drawing up to Rs. 50 per month—Rs. 20.

Employees drawing from Rs. 51 to Rs. 100 per month—Rs. 15 plus 10 per cent. of basic pay.

Employees drawing from Rs. 101 to Rs. 200 per month—Rs. 19-8 plus 10 per cent. of basic pay.

Employees drawing from Rs. 201 to Rs. 300 per month—Rs. 24 plus 10 per cent. of basic pay.

Employees drawing from Rs. 301 to Rs. 400 per month—Rs. 30 plus 10 per cent. of basic pay.

Employees drawing from Rs. 401 to Rs. 500 per month—Rs. 37-6 plus 10 per cent. of basic pay.

(h) It has been recommended that the Company should pay acting allowance to the workers when they are made to work on higher rated jobs and the officiating man should be paid the full difference between his actual wage and the wage of the man for whom he officiates.

(2) It has been recommended that all labourers who may retire after the 1st April 1947 after completing a period of 15 years' service shall be paid gratuity at the rate of 15 days' wages for every year of service rendered by him.

**2. Indian Copper Corporation, Ltd., Maubhandar.**—Minimum wage of unskilled workers, dearness allowance, gratuity, acting allowance, confirmation of temporary hands have been recommended on the same lines as in the case of the Indian Steel & Wire Products.

The bonus recommended by the adjudicator is as follows:—

If the dividend exceeds  $2\frac{1}{2}$  per cent. but does not exceed  $7\frac{1}{2}$  per cent.—  
2 weeks' wages.

If the dividend exceeds  $7\frac{1}{2}$  per cent. but does not exceed  $12\frac{1}{2}$  per cent.—  
3 weeks' wages.

If the dividend exceeds  $12\frac{1}{2}$  per cent. but does not exceed  $17\frac{1}{2}$  per cent.—  
4 weeks' wages.

If the dividends rise higher bonuses will increase according to this scale.

The leave recommended is one month's privilege leave on full pay plus three days' festival leave for the clerks and 15 days' privilege leave on full pay plus three days' festival leave in a year.

Two days' wages should be paid as attendance bonus to all except monthly rated workers.

**3. The Indian Cable Co., Ltd.**—Minimum wage of unskilled workers, dearness allowance, gratuity, leave, acting allowance have been recommended on the same lines as in the case of the Indian Steel & Wire Products.

All employees except those whose employment is of a casual or temporary nature shall be confirmed after six months' service.

**4. Tatanagar Foundry Co., Ltd.**—Minimum wage of unskilled labour, dearness allowance and leave have been recommended on the same lines as in the case of the Indian Steel & Wire Products.

**Bonus.**—Any profits left over after payment of dividends to ordinary shareholders at the rate of 3 per cent. should be divided amongst the shareholders and the employees in such a way that the employees should get 25 per cent. and the remaining 75 per cent. should be paid to the ordinary shareholders.

It has been recommended to introduce contributory provident fund scheme.

5. **Sone Valley Portland Cement Co., Ltd., Japla.**—(a) Minimum wage of unskilled workers is to be annas 10-6 per day.

(b) Minimum dearness allowance is to be annas 11 per day.

(c) Workers are to be confirmed after one year's service.

(d) Bonus will be paid to the permanent staff of the Company on the following scale if the Company will make profits.

The rates of bonus will be based on 4 years' service.

The maximum payment—one month's salary.

The minimum payment—Rs. 8 for one year's service.

For three years' service, the employee will receive three-fourths of one month's salary, with a minimum of Rs. 8.

For two years' service, two-fourths of one month's pay subject to a minimum of Rs. 8.

6. **Khelari Cement Works, Ltd.**—(a) Minimum wage of unskilled male worker has been fixed at annas 9 per day and that of female at annas 7 per day. A general increase of annas 2-6 in a rupee to all the workers getting up to annas 10 per day and of 12½ per cent. to those getting more than this amount on the wages that they were getting on 1st August 1945.

(b) Minimum dearness allowance is annas 10 per day besides foodgrains at the subsidised rate of 4 seers a rupee.

(c) 15 days' sick leave with full pay has been recommended.

(d) Bonus, if and when sanctioned, is payable on *pro rata* basis and accordingly an employee will get one-sixth of the total pay earned by him in the bonus year.

(e) One who has to work on higher rated jobs should get acting allowance after and exclusive of the first six days at the lowest rate then paid for the particular job.

(f) The Union has been recognised.

7. **Rameshwar Jute Mills, Ltd. Muktapur.**—(a) Minimum wage of a coolie has been fixed at Rs. 3-6 per week of 48 hours.

(b) Minimum dearness allowance is Rs. 3 per week besides grain subsidy of Rs. 1-4 to Rs. 3 per month of 26 days.

(c) The adjudicator is of opinion that "ordinary pay" does not include dearness allowance and amenity allowance and they are not to be taken into consideration in calculating overtime pay under section 27 of the Act.

### ANNEXURE III.

*Settlement between the Sugar factories in the United Provinces and their employees arrived at, before the Conciliation Board appointed by the United Provinces Government, Labour Department No. 2715(L)XVIII, dated April 8, 1947.*

We, H. S. Brar, Chief Labour Officer, Indian Sugar Syndicate, Ltd., representative of the sugar factories in the United Provinces, and Kashi Nath Pandey, Secretary, United Provinces and Bihar Sugar Mills Workers' Federation, 11/39, Gwaltoli, Cawnpore, representative of the employees of the sugar factories agree as follows:—

(1) The question of compulsory leave does not arise in the case of seasonal, temporary or casual employees. It arises only in the case of

permanent workers. Normally there should be no occasion for compulsory leave to permanent employees. But there may arise certain circumstances in which compulsory leave may be justifiable and necessary. Those circumstances are—

- (a) When the crushing season in any factory is less than ninety days.
- (b) In such a case, the period of compulsory leave should not exceed two months. This will be in addition to the privilege leave admissible under the rules of the factory.
- (c) In exceptional circumstances beyond the control of the factories, e.g., breakage of machinery, disease in sugarcane, if the factory works for an abnormally short season, the period of compulsory leave can be longer than two months, but in no case the period of two months besides the privilege leave shall be increased by any factory except with the approval of the Indian Sugar Syndicate, Ltd., after consultation with the United Provinces and Bihar Sugar Mills Workers' Federation, 11/39, Gwaltoli, Cawnpore. A season will be deemed to be abnormally short, if a factory does the crushing for less than 80 per cent. of the standard number of days of crushing laid down by the United Provinces and Bihar Sugar Control Board in the fixation of sugar prices for the year concerned.
- (d) The workers shall not be asked to vacate their quarters or deposit the materials supplied to them by the factory for private use. Further a worker may stay in his quarters during the period of compulsory leave, if he so wishes. If any house rent was paid to any worker in lieu of quarters, he will continue to receive it even during the period of compulsory leave.

(2) Subject to the above conditions, compulsory leave will be applicable only to permanent employees. The expression "permanent employees" will have the same meaning as defined in the Standing Orders for sugar factories as certified by the prescribed authority. The number of permanent staff in sugar factories will be as determined by the Bakhale Committee.

(3) At least a week's written notice shall be given to the employees concerned before sending them on compulsory leave. In such notice the names of the employees to proceed on compulsory leave and the dates of its commencement and termination shall be specified. In sending the employees on compulsory leave, the juniormost shall first be sent. There may be exceptions to this on the ground of efficiency.

(4) To every employee sent on compulsory leave, a guarantee shall be given by mentioning in the notice that he will be re-employed if he returns on the termination of such leave. If for unavoidable reasons he is unable to resume duties on the date fixed, he shall send a previous intimation to the factory by a registered letter or telegram. For any good cause shown, the sending of such previous intimation may be waived by the factory. In no case shall an order of dismissal of an employee be passed by any factory before the expiry of one week from the date of resumption of duty after the compulsory leave.

(5) During the period of the compulsory leave, all permanent employees shall be entitled to fifty per cent. of their consolidated wages. In addition, every employee living beyond ten miles of the factory and travelling by rail will be entitled from the factory single fare both ways. The fare will be given according to the class to which he belongs in accordance with the rules of the factory.



(6) The above provisions relating to compulsory leave, shall apply to such permanent employees of sugar factories who were retrenched, dismissed or removed, after the close of the present crushing season (1946-47), not on the ground of any misconduct or genuine retrenchment of staff, and in whose place fresh hands were or are recruited in this off-season or who are recalled to duty in this off-season. Such employees will be restored to their posts, with effect from the date of the so-called retrenchment and they will be deemed to have been on compulsory leave during this period of retrenchment for the period admissible according to this settlement and for the balance of that period they will be entitled to full wages. These provisions will apply also to the permanent employees who were retrenched, dismissed or removed while on compulsory leave.

(7) This settlement shall come into operation in a factory on the date on which the crushing terminated in that factory in this season (1946-47).

## ANNEXURE IV.

### *Summary of important Awards in Cochin.*

#### (1) **Dispute between the beedi workers and their employers.**

Conciliation Board: M. R. Ry. C. Sankara Menon, Avl., B.A., B.L., District Judge.

The dispute in question was between the beedi workers and their employers in the towns of Ernakulam, Tripunithura, Irinjalakuda, Kattoor, Kunzhupilly and Pallipuram. The important points that arose for decision and the findings of the Board are given hereunder:—

Issues.	Findings.	Remarks.
1. What should be the basic wages for manufacturing beedies? Should it be fixed according to the demand of the workers? Is the remuneration given in the various localities sufficient?	Ernakulam and Tripunithura total remuneration Rs. 1-12 and Rs. 1-14 for making 1,000 beedies. Irinjalakuda Rs. 1-14. Kattoor Rs. 1-10. Kunzhupilly and Pallipuram Rs. 1-10.	The workmen asked for Rs. 2 per 1,000.
2. Is a striker entitled to get wages during the period of strike?	No pay for the strike period.	
3. Is any bonus allowable? If so, what should be the amount?	Not pressed by the workers.	
4. Has any check to be imposed on the employers in the matter of importing beedies?	Not pressed by the workers.	
5. Is the family of the worker to be taken into consideration in fixing the wages?	Not pressed.	
6. Should the factory laws be made applicable to this industry?	Not possible as the contract for the employers last only for 2 years.	
7. Should the workers' union be recognised?	Union may be recognised.	

The employers did not accept the recommendation in issue No. 7. The others were accepted.

**(2) Trade Dispute between the Standard Vacuum Oil Co., Ltd.,  
Ernakulam and the Mineral Oil Factory Workers' Union, Ernakulam.**

Adjudicator: M. R. Ry. C. Sankara Menon, Avl., B.A., B.L., District  
and Sessions Judge.

Issues.	Findings.	Remarks.
1. Bonus	.. Bonus to be paid at 25 per cent. of the net profits.	Owing to the difficulty of settling the accounts this was converted into 1/6th of worker's annual earnings including overtime allowance and incentive wages but excluding dearness allowance.
2. Provident Fund	.. Provident Fund should be started	
3. Wages during strike period.	Not allowed as both parties are responsible for the strike.	

**(3) Dispute between the management of the Kokkalai Rice and Oil Mill Foundry and Engineering Works and the Engineering Workers' Union, Trichur.**

Adjudicator: M. R. Ry. M. K. Devassy, Avl., B.A., B.L., Manager, Employment Exchange, Cochin State.

In this case no important issues were involved. The dispute was in regard to the question whether there was a strike or lock-out and whether there was any justification for the management to close the factory. The findings were all based on the facts of the case.

**(4) Dispute between the Alagappa Textiles (Cochin), Ltd., and their employees represented by the Textile Workers' Union, Amballur.**

Adjudicator: M. R. Ry. C. Sankara Menon, Avl., B.A., B.L., District  
and Sessions Judge.

Important issues.	Findings.	Remarks.
1. Regarding payment of wages during the period of involuntary stoppage of work due to failure of current during some period.	A compensatory allowance of annas 8 per day to be paid.	
2. Minimum basic pay	.. Coimbatore wages agreed to by parties to be paid.	
3. Leave with pay and sick leave with pay.	10 days' privilege leave, 7 days' sick leave with pay and 4 festive holidays with pay.	
4. Bonus	.. 5 months' basic pay to be paid as bonus.	
5. Recognition of the union	.. The union will be recognised when it is registered.	

**(5) Dispute between the employers and workmen of the Cochin State Power and Light Corporation Limited, Ernakulam.**

Adjudicator: M. R. Ry. C. Sankara Menon, Avl., B.A., B.L., District and Sessions Judge.

Important issues.	Findings.	Remarks.
1. Raising of salary .. ..	The same rates as given in the Trichur Municipality to be given.	
2. Bonus .. ..	3 months' wages including dearness allowance.	
3. Provident Fund .. ..	Provident Fund has already been started and the employees should contribute their share.	
4. Free medical aid including medicines, etc.	The existing system of medical aid to continue.	
5. Privilege leave .. ..	The institution is already giving Casual leave for 7 days and Privilege leave for 14 days. Nothing more is necessary.	
6. Gratuity .. ..	Since a compulsory Provident Fund has been started there is no justification to ask for a further gratuity.	
7. Promotion according to seniority	Promotion cannot be given on the consideration of seniority alone but it should be subject to efficiency and merit.	

**(6) Dispute between the employers of the management and workers of the Tata Oil Mills Co., Ltd., Ernakulam.**

Adjudicator: M. R. Ry. C. Sankara Menon, Avl., B.A., B.L., Retired District and Sessions Judge.

Main issues.	Findings.
1. Reduction of working hours to 44 ..	The working hours being covered by Statute this issue was not pressed by the workers.
2. Increase of basic wage ..	Basic wages increased by agreement between parties.
3. Workmen not to be discharged except for gross misconduct.	As this will be provided by the rules in Standing Orders Act not pressed by the workers.
4. Increase of wages to those daily rated workmen who work between 8 p.m. and 6 a.m.	Not pressed by the workers.
5. The system of playing off to be abolished.	As this is to be guided by the Standing Orders Act not pressed.
6. 36 days' leave with pay to be allowed to workmen.	Not pressed by the workers.
7. Sick leave with pay during the whole period of sickness and increase of medical facilities.	It is agreed to between the parties that the existing practice in the company to be continued.

## Main issues.

## Findings.

8. Increase of maternity leave with pay .. As there is provision in the Maternity Act this issue is not pressed by the workers.
9. Works of a permanent nature to be executed by the company direct. The company agreed that works of "permanent nature" will not, as far as possible, be given on contract.
10. Increase of dearness allowance .. The company has agreed to raise the dearness allowance to Rs. 27-9 per month, the other allowance being discontinued. The union has agreed to this.

**(7) Trade dispute between the Burma Shell Oil Storage and Distributing Co. at Ernakulam and their workmen.**

Adjudicator: M. R. Ry. C. Sankara Menon, Avl., B.A., B.L., Retired District and Sessions Judge.

## Main issues.

## Findings.

1. Bonus three months' wages including dearness allowance to all workmen including clerical and supervising staff. 25 per cent. of the net profit to be given to all workmen. This was subsequently changed into 1/6th of the total earnings of the workmen excluding dearness allowance in view of the difficulty of having correct accounts of this branch.
2. Increase of basic wages by 50 per cent. and dearness allowance by 20 per cent. Revised scale of pay is to be fixed as follows:—

Minimum. Increment. Maximum.

Rs. as. p. Rs. as. p. Rs. as. p.

Gr. I .. 1 12 0 0 4 0 3 0 0

Gr. II .. 1 8 0 0 3 0 2 7 0

Gr. III .. 1 1 0 0 3 0 2 0 0

Gr. IV .. 1 0 0 0 2 6 1 12 6

Gr. V .. 0 14 0 0 1 0 1 3 0

Persons with 10 years and more service should be given the maximum of each grade. Rs. 31-11-0 to be given as dearness allowance. It will be on a sliding scale in accordance with the rise and fall in the cost of living index.

3. Equal facilities of leave and other privilege to all workmen alike. Existing leave rules of the company to go on.
4. Special increment of Rs. 15 to all workmen Not allowed.

**(8) Trade dispute between the Standard Vacuum Oil Company, Ltd., Ernakulam, and its employees No. II.**

Adjudicator: M. R. Ry. C. Sankara Menon, Avl., B.A., B.L., Retired District and Sessions Judge.

Practically the same issues and findings as in the previous case.

(9) Trade dispute between the employers and workmen of five tile factories in Karuvannur and Panamkulam.

Adjudicator: M. R. Ry. C. Sankara Menon, Avl., B.A., B.L., Retired District and Sessions Judge.

Main issues.	Findings.	Remarks.
1. Bonus .. ..	The amount to be paid as bonus is fixed by the adjudicator.	Not given effect to by the management on the ground that this will end in loss.
2. Dearness allowance ..	Rs. 19-8 per calendar month.	
3. Basic wage ..	Annas 12 minimum wage for an adult worker. The grade to be followed fixed by the adjudicator as follows :— Special grade. Minimum. Increment. Maximum. Rs. a. As. Rs. a. Gr. I .. 2 0 2 2 8 Gr. II .. 1 8 2 2 0 Gr. III .. 1 2 1 1 7 Gr. IV .. 0 12 1 1 1 Children—Annas 8 per day. Clerical, Supervising and menial staff clerks—Rs. 25—3—40. Watchmen and Maistries—Rs. 20—1—25. Peons—Rs. 20	
4. Festive holidays ..	Not pressed by workers.	
5. Leave with allowance ..	Not pressed by workers.	
6. Transfer of workmen from one department to another.	Not pressed by workers.	
7. The workers' union to be consulted before taking disciplinary action.	Not pressed by workers.	
8. Canteen ..	Not pressed by workers.	
9. Permanency of workmen ..	Workmen on the rolls of the companies to be regarded as permanent.	
10. Abolition of playing off ..	} Not pressed.	
11. Contract system to be abolished		
12. Provident Fund ..		

(10) Trade dispute between the Sitaram Spinning and Weaving Mills, Ltd., Trichur, and the workers.

Adjudicator: M. R. Ry. C. Sankara Menon, Avl., B.A., B.L., Retired District and Sessions Judge.

Main issues.	Findings.	Remarks.
1. Basic pay ..	Minimum wage to be fixed at Rs. 20. Children—Rs. 10—1—15. Watchmen—Rs. 20—1—25.	The rates not accepted by the company as they cannot be paid without incurring loss.

## Main issues.

## Findings.

## Remarks.

- |   |    |  |  |
|---|----|--|--|
| 1. Basic pay— <i>contd.</i>   | .. | Unskilled workmen—Rs. 25—1—30.<br>Semi-skilled—Rs. 30—1—35.<br>Skilled workmen—Rs.—35—1—40.<br><br>In the piece-workers a minimum quantity of work will be fixed and the rate as per above will be fixed for that quantity. The rates for all other staff are also fixed by the adjudicator. | The rates not accepted by the company as they cannot be paid without incurring loss. |
| 2. Dearness allowance   | .. | Rs. 1-2-4 per day. It will be on the sliding scale based on the cost of living index.  |  |
| 3. Bonus .. ..  | .. | 5 months' basic pay.   |  |
| 4. Leave .. ..  | .. | The existing leave will be continued.  |  |
| 5. Dismissal and discharge of workmen.                                    |    | Not pressed by the workmen.  |  |
| 6. Full wages for days when work is stopped.                              |    | Not pressed by the workmen.  |  |
| 7. A committee to be constituted to estimate the production of the mills. |    | Works committee to be started.   |  |
| 8. Gratuity .. ..   | .. | Not pressed.   |  |
| 9. Maternity leave for 3 months   | .. | Not pressed.   |  |
| 10. Recognition of the union  | .. | Rules must be framed for the recognition of the union.   |  |
| 11. Flat rate system of allowance   | .. | To be stopped.   |  |

A Standardisation Committee to be formed to fix the work to be turned out and also to see if there is any surplus labour.

## ANNEXURE V.

*A brief account of the disputes referred to and resolved by the Tripartite Labour Committee of Baroda.*

(i) In the dispute regarding the grant of compensation allowance to the workers in two cotton textile mills at Navasari and one at Billimora, for involuntary unemployment in 1945, 1946 and 1947, the Committee recommended an *ad hoc* compensation in lieu of closures as an *ex gratia* payment.

(ii) The committee decided that a bonus of 25 per cent. should be granted to the workers in the 4 cotton textile mills at Baroda for the year 1946 and recommended the grant of *azadi* bonus.

(iii) *Shri Dinesh Woollen Mills, Ltd.*—The committee recommended a bonus of 25 per cent. for 1946.

(iv) *Shri Hari Cotton Mills.*—The committee awarded a bonus of 18.75 per cent. for 1946 in addition to the *azadi* bonus. The management put up a notice of closure but the State Government intervened and the workers were paid the bonus.

(v) *Baroda Spinning and Weaving Company, Ltd.*—In connection with the dismissal of a jobber for alleged dishonest behaviour in connection with the workers' credit co-operative society, the fault could not be proved but

the jobber was found to do money-lending business. The Committee ordered the reinstatement of the jobber who was warned not to do money-lending business. A general circular was also issued to all mills requesting them to put up a notice warning all persons that money-lending was forbidden and that anybody found doing money-lending would be summarily dismissed.

The personnel of the Board of Conciliation appointed under the Trade Disputes Act, 1938, was revised by Government during the year under review. The demands of the G. B. S. Railwaymen's Union, Baroda, regarding reinstatement of dismissed workers and adoption by the management of the Central Pay Commission's recommendations, etc., have been referred by Government to the Board.

The labour unions in the State have raised the question of minimum wages and standardisation of wages in the textile mills. The major mahajans at Kolol, Baroda, Sidhpur, Petlad, etc., have served a notice of strike demanding increase in rates of wages and fixation of minimum wages, while the Federation of Baroda State Mills and Industries have submitted a counter demand of rationalisation in the textile mills. The State Government propose to avail of the services of an expert to investigate into and prepare a scheme on these matters.

(vi) *Shree Yamuna Textile Mills, Ltd.*—In the disputes regarding reduction in the number of spinning doffers, the committee ordered that the number should be reduced to 62 from 68 (and not to 60 as desired by the management) and that no permanent worker should be thrown out of employment but employed in other departments.

(vii) *Shree Sayaji Mills, Ltd.*—In the dispute regarding change over of shifts, the committee decided to maintain the *status quo* so as to enable them to watch the position closely.

## ANNEXURE VI.

### *A brief summary of Awards in Mysore.*

#### (i) **Mysore Sugar Co., Ltd., vs. Its registered Labour Associations.**

The dispute related to demands for (a) payment of profit bonus equivalent to one month's pay and (b) compensation to and reinstatement of one Kaliat. The Award was favourable to the workers on the first demand and to the management on the second.

#### (ii) **Mysore Spun Silk Mills, Ltd., Chennapatna, vs. Its Labour Associations.**

The demands were for raising the dearness allowance to Rs. 18 per mensem from 1st July 1946 and for increase of increments by 25 per cent. The Award was partly favourable to the management and partly to workers.

#### (iii) **Mysore Iron & Steel Work, Bhadravati, vs. Its Labour Association.**

The dispute related to revision of wage rates, payment of heat allowance, etc. The Award was mostly favourable to the Labour Association.

#### (iv) **Two disputes between the Labour Associations and the managements of (i) Minerva Mills, Ltd., and (ii) Mysore Spinning and Manufacturing Co., Ltd., Bangalore.**

These related to minimum wages, dearness allowance, bonus, etc., and were referred to the Courts at the close of the year. The Awards are awaited.

## APPENDIX II.

*Item No. II.—Memorandum on a survey of the present position in regard to Works Committees.*

**(A) INDUSTRIAL ESTABLISHMENTS WITHIN THE CENTRAL SPHERE.**

Prior to the passing of the Industrial Disputes Act, 1947, Labour Welfare Committees, more or less on the lines of the model constitution prepared by the late Department of Labour were functioning in most of the central industrial establishments. Particulars regarding the working of these committees are given below:—

**Ministry of Defence.**

**Army Headquarters.**—There were 66 Welfare Committees functioning in the various establishments under the Army Headquarters, India. The constitution of these committees was generally based on the model constitution referred to in paragraph 1 above. The only departure made was with regard to non-observance of the Whitley principle of equal representation in the Committee for workmen and management.

The main functions of these committees were:—

- (1) organisation of welfare measures;
- (2) administration of welfare funds;
- (3) expression of general grievances; and
- (4) running of industrial canteens.

Their usefulness and success varied with the enthusiasm of the representatives and the readiness on the part of the administrative heads to appreciate the difficulties and viewpoints of the employees. Their utility was, however, limited by the lack of resources as the welfare funds were mostly built up out of voluntary contributions from the workers and canteen profits or rebates from canteen contractors.

**Naval Headquarters.**—In the Naval Dockyard, Bombay, Departmental Welfare Committees were functioning since 1942 in the Gun Mounting Department and in the Naval Store Office.

The object of the committees was to secure by means of regular joint discussion between official representatives of Departments on the one hand and representatives of Dockyard Workers' Union or non-union workers and of ministerial staff on the other, the fullest measure of co-operation in the day-to-day administration of the Dockyard. All matters affecting the working conditions in the Dockyard could be discussed by the committees and their suggestions in this behalf were submitted to the authorities concerned for consideration.

**Ministry of Industry and Supply.**

A Welfare Committee was functioning in the Mathematical Instrument Office, Calcutta, under the control of this Ministry. It was composed of members elected on the principle that sections employing from 50 to 199 persons should have one seat and those having 200 or more employees 2 seats only.

Its main functions were (1) organisation of welfare measures, (2) organisation and management of canteens, (3) expression of grievances and (4) assistance to workers' union in disputes over pay and conditions of service.



The Fertiliser Factory, Sindri, was still in a planning and construction stage and no Welfare Committee was set up there.

At the Rajputana Salt Sources which are situated in Indian States, there were no Welfare Committees.

Information in respect of Collieries under the Coal Commissioner is not available.

### Ministry of Finance.

**Mints.**—In the India Government Mints at Bombay and Calcutta and in the India Security Printing, Nasik Road, Welfare Committees were functioning.

At the India Government Mint, Bombay, the committee was composed of 17 elected representatives of the workers from various departments and three nominees of the employer. The Labour Officer acted as the Chairman of the Committee. The minutes of the meetings were forwarded to the Mint Master for orders. As a result of free discussion and exchange of views in such Committees, a spirit of confidence and goodwill was created for the workers to work in an atmosphere of peace and harmony.

At the Calcutta Mint, a Welfare Committee was set up during 1945 composed of 10 members, eight elected by the workers and two nominated by the Mint Master. The term of office of the members was one year. The Committee met at least once in a month and the proceedings of the meeting were forwarded to the Mint Master for consideration.

The grievances of workmen whether special or general in regard to their service conditions were discussed and brought to the notice of the authorities. The causes of friction between the employer and the workmen and between the workmen and workmen were investigated and remedial action suggested for consideration by the management.

The committee, being the only connecting link of its kind between the employer and employees, proved its usefulness in the day to day working of the establishment by investigating and ascertaining causes of friction and promoting good relations between the employer and employees. Its success was not however unqualified, for the gulf of difference between the management and the employees was not bridged on all occasions owing to the conflicting interests of the parties, biased angles of vision and lack of experience.

**India Security Printing.**—In the India Security Printing, Nasik Road, two Works Committees, one for the stamp press and the central stamp store and the other for Currency Note Press, were functioning since 1943.

The Stamp Press Employees' Committee was composed of 31 members, 21 representing workmen elected by them and 10 representing the management nominated by the management. The Currency Note Press Employees Committee consisted of 28 members, 19 representing workmen and 9 representing the management. The term of office of members was one year. The committees met at least once a month. Questions relating to pay, allowances and other conditions of service were discussed and genuine grievances of the employees in respect thereof brought to the notice of the management for redress. Since the formation of labour unions in the two presses, the committees ceased to meet.

### Ministry of Transport.

**Major Ports.**—No Works Committees or Welfare Committees were set up in the Ports of Calcutta, Bombay and Madras.

At the Port of Cochin, two committees were constituted one for the industrial workers of the port workshops and Dry Dock and the other for the workmen engaged on civil construction works. Each committee was composed of 3 members, two nominated by the management and one representative of workmen chosen by workmen of the branch or branches concerned. Their main functions are advisory. Individual or collective grievances of workmen regarding service conditions were represented, taken up, examined and put up to the authorities for consideration.

### **Ministry of Works, Mines and Power.**

**Government of India Presses.**—Works Committees confined to industrial workers alone were set up in the five Government of India Presses at Calcutta, Simla, New Delhi and Aligarh.

The main object of these committees was to secure closer contact between the management and the workers and to afford the employees regular opportunities to discuss with the representatives of management matters affecting their conditions of work.

The committees consisted of 8 members, viz., the Manager, the Assistant Manager, one special member chosen by section-holders and heads of branches and five ordinary members elected by ballot from 5 sections. The term of office of the members was one year. Meetings of the committee were held at least once a month during working hours.

The subjects for discussion covered all matters affecting service conditions. No discussions concerning policy or general administration were however permitted in such meetings.

Since the inception of these committees, industrial unrest was practically non-existent in the Presses except immediately after the second World War. Even during this period the works committees contributed not a little in creating goodwill and understanding between the management and workmen.

### **Ministry of Communications.**

**Post and Telegraph Workshops.**—No Works Committees or analogous bodies were set up in the Post and Telegraph Workshops at Calcutta and Jubbulpore and in the Telephone Workshop, Bombay.

### **Ministry of Health.**

**Medical Store Depots.**—No Works Committees or analogous bodies were set up in the Medical Store Depots at Madras and Bombay.

### **Steps taken or proposed to be taken in pursuance of section 3 of the Industrial Disputes Act, 1947.**

Section 3 of the Industrial Disputes Act provides that the appropriate Government may by a general or special order require an employer to constitute a Works Committee. As regards undertaking connected with mines and coalfields, the Government of India have delegated to the Chief Labour Commissioner the power to issue such orders. In regard to federal railways and Central Government's own undertakings, e.g., Posts and Telegraphs, Mints, Ordnance Depots, Presses, etc., the Chief Labour Commissioner has been asked to undertake a review of the existing position and to submit his recommendations for the formation of Works Committees in accordance with the provisions of the Act.

Under section 38 of the Industrial Disputes Act, the Central Government has made rules known as the Industrial Disputes (Control) Rules, 1947, which extend to all Chief Commissioners' Provinces and all Central Government undertakings and to major ports, mines and oilfields.

Part V of the rules, deals with the constitution of Works Committees in industrial establishments employing one hundred or more workmen. It has been laid down that the total number of members should not exceed 20 and the number of representatives of workmen should not be less than the number of employer's representatives. While the employer's representatives are to be nominated by him, the representatives of workmen are to be elected in consultation with the registered trade unions to which the workmen belong. The employer is responsible for the conduct of elections of workmen's representatives on the committee. The committee will have office bearers including one Chairman, who will be nominated by the employer from amongst his representatives, one Vice-Chairman, who will be elected by the committee from amongst the workmen's representatives and two Joint Secretaries, one from the employer's representatives and the other from the workmen's representatives. The term of office of workmen's representatives on the committee is two years. The committee is to meet as often as convenient, but not less than once a month either during or outside office hours. The employer is to provide all necessary facilities to the committee and to the members for carrying out its work.

The position regarding the Central undertakings belonging to the various Ministries of the Government of India is explained below:—

**Ministry of Defence.**—They have now under active consideration a proposal to merge the existing Welfare Committees with the Works Committees to be set up in conformity with the requirements of the Act.

**Ministry of Finance.**—In the Mathematical Instrument Office, Calcutta, action is in hand to dissolve the existing committee and to set up a Works Committee on the lines envisaged in the Act.

In the India Government Mints at Bombay and Calcutta and in the India Security Printing, Nasik Road, necessary steps are being taken in consultation with the trade unions to reconstitute the existing Welfare Committees into Works Committees strictly in accordance with the requirements of the Act.

**Ministry of Transport.**—In the Calcutta Port the formation of Works Committee in accordance with the provisions of the Act has, it is stated, been delayed for want of co-operation from the workers' unions.

As regards Bombay Port, the Ministry of Transport, it is understood, has suggested to the Port authorities to take necessary steps to constitute Works Committees and that the matter is now under the active consideration of the latter.

In the Madras Port no steps have so far been taken by the authorities to constitute any Works Committee.

The Cochin Harbour being located in Cochin State territory is subject to State laws and the authorities have stated that the existing committees will be reconstituted as soon as the Cochin State Industrial Disputes Bill on the lines of the corresponding Indian Act is passed into law.

**Ministry of Works, Mines and Power.**—In the Government of India Presses at Simla, New Delhi, Aligarh and Calcutta, no steps have so far been taken to constitute Works Committees.

**Ministry of Health.**—In the Medical Store Depot, Bombay, the management has proposed to set up a Works Committee consisting of nine members, four representing management and four representing workers. The Chairman will be either the D.A.D.G. or his nominee.

As regards the Medical Store Depot, Madras, it is understood that instructions are being issued by the Director of Health Services to constitute a Works Committee in accordance with the requirements of the Act.

**Ministry of Communications.**—In the three workshops under the control of the Indian Post and Telegraphs Department, the setting up of Works Committees is being taken up.

## (B) INDUSTRIAL ESTABLISHMENTS IN THE PROVINCIAL SPHERE.

Section 3 of the Industrial Disputes Act, 1947, empowers the appropriate Government to require the establishment of Works Committees in industrial undertakings employing 100 persons or more. The Provincial Governments and Chief Commissioners were asked to furnish particulars regarding such committees or analogous bodies already in existence on the 1st April 1947, when the Act came into force, and of those subsequently set up. Replies are still outstanding from the Governments of West Bengal, East Punjab and Orissa and the Chief Commissioner, Delhi. The following is a brief survey of the position on the basis of information so far received.

2. Rules under the Industrial Disputes Act, including rules regarding Works Committee, have been finalised in Madras, Bihar and Assam. The Government of Madras and the Chief Commissioner, Ajmer-Merwara, have already issued orders under the Act requiring the setting up of Works Committees in all undertakings employing 100 persons or more. There are only four such establishments in Ajmer-Merwara and the Chief Commissioner does not anticipate any difficulty in securing compliance with the law. In the United Provinces, the Provincial Government could not hitherto devote much attention to the matter on account of the highly disturbed labour situation that obtained in the Province but they have now taken up the question of having Works Committees in the sugar industry, where labour is generally organised, and propose to tackle the other industries shortly in the light of the experience gained in the sugar industry. The Government of Assam contemplate taking action in pursuance of section 3 of the Act. The employers in that Province however appear to be generally averse to Works Committee being set up.

3. The position regarding Works Committees or analogous bodies which were functioning before the Industrial Disputes Act, 1947, came into force, or were set up since then but not under the Act, is summarised below:—

(i) **Number of committees.**—There are no Works Committees or analogous bodies in Madras, Bombay, Assam and Coorg. In Bihar, there are about 13 such bodies in 10 undertakings, mostly engineering undertakings, fire-clay, fire-bricks and pottery works and sugar factories. In the United Provinces, out of 300 factories employing 100 persons or more, only seven factories belonging to textile, leather, sugar and other miscellaneous industries have Works Committees or analogous bodies. In Ajmer-Merwara, there are 3 such organisations in the textile industry at Beawar.

(ii) **Composition of the committees.**—The committees are of varying sizes in different undertakings (e.g.; 14 members in Ajmer-Merwara, 4 to

10 in Bihar and 4 to 18 in the United Provinces). Generally equal representation is allowed to employers and workers but in some labour has more representation (e.g., the Tatanagar Foundry and Rohtas Industries in Bihar and a cotton mill and leather factory in the United Provinces). The labour representatives are mostly nominated by the union concerned in Bihar and elected by workers in the United Provinces. (No information is available as regards Ajmer-Merwara.) In the J. K. Cotton Mills at Kanpur, the Works Committees have seven separate panels for dealing with complaints, indebtedness, sanitation, canteens, accidents, etc.

(iii) **General scope and functions of Works Committees and their usefulness.**—Generally, the committees deal with all matters relating to conditions of work and amenities and the day to day grievances of the workers except in the United Provinces where they are reported to be merely Welfare Committees concerned with matters such as libraries, canteens, games, co-operative societies, etc. Some of the committees in Bihar deal also with cases of discipline (e.g., in the Tata Iron and Steel Co. and Tatanagar Foundry Co.) and matters relating to production (e.g., in the Tatanagar Foundry Co. and the Reliance Fire-bricks and Pottery Co.).

On the whole, the committee in Bihar are reported to be functioning usefully. In the United Provinces the committees are more or less moribund even within their limited field of welfare activity. The same is the case in Ajmer-Merwara where the employers' representatives appear to be disinclined to discuss matters with labour representatives across the table.

#### **(G) QUESTIONNAIRE ISSUED BY I. L. O. RELATING INTER ALIA TO WORKS COMMITTEES.**

The question of framing international Conventions or Recommendations in regard to Works Committees and Production Committees and regional and national Industrial Councils, etc., will come up for consideration at the thirty-first session of the International Labour Conference to be held at San Francisco in the middle of this year, under the subject "Co-operation between public authorities and employers and workers' organisations." Such co-operation is a common feature in most of the industrially advanced countries of the world and is universally recognised as essential for a continuous improvement in the productive capacity of industry and a gradual raising of the conditions of work and life of the workers. The questionnaire issued by the International Labour Organisation in this connection envisages the establishment of machinery for such co-operation in all industrial and commercial establishments ordinarily employing at least fifty persons, as well as at regional, industrial and national levels. Opinion among the Provincial and State Governments in India and of Organisations of employers and workers, who were consulted with reference to the questionnaire, is generally in favour of some form of international regulations on the subject and it is proposed accordingly to support action in that direction at the forthcoming International Labour Conference.

## APPENDIX III(i).

*Item No. III.*—A brief report of the activities of the Directorate-General of Resettlement and Employment during the year 1947 (January to December).

**I.—EMPLOYMENT AND EMPLOYMENT EXCHANGES.****(1) Introduction.**

Although the idea of setting up Employment Exchanges had been mooted as early as 1921, it was only in July 1945 that the Directorate-General of Resettlement and Employment was set up with a net work of one Central Employment Exchange (now called Central Clearing House), 9 Regional and 60 Sub-Regional Exchanges in British India. In the initial stages, it was decided to limit the scope of this integrated employment service to the resettlement of *ex-servicemen* and discharged war-workers, but the ultimate intention was that of establishing in India a permanent employment service extending to all categories of workers.

**(2) Headquarters re-organisation.**

With a view to ensuring better co-ordination and as part of the economy drive, the Directorates of Employment Exchanges were amalgamated during the period under review. As a result, posts of one Director, one Senior Deputy Director and four Deputy Directors were abolished and three posts of Deputy Directors were down-graded to those of Assistant Directors. The amalgamated Directorate has been designated as "The Directorate of Employment Exchanges" and has been placed under the control of the Director of Employment Exchanges.

**(3) Pre-partition expansion.**

In January, a new Exchange was opened at Barrackpore (Bengal) in lieu of the one closed down at Kharagpur. In Madras fifteen District Employment Offices were opened in fifteen Revenue Districts of the Province.

**(4) Results of partition.**

As a result of the division of the country on August 15th, 1947, two Regional and 15 Sub-Regional Exchanges, with their office equipment, etc., were handed over to the Dominion of Pakistan. In consequence, the Dominion of India was left with 7 Regional and 45 Sub-Regional Exchanges, one Central Employment Exchange and 15 District Employment Offices. Responsibility for the work in respect of Central Government appointments in Delhi was transferred from the Central Employment Exchange to the Delhi Regional Employment Exchange on the 1st September 1947. This transfer resulted in the Central Employment Exchange becoming responsible solely for vacancy clearing work and its designation was accordingly changed to "Central Clearing House".

**(5) Post-partition expansion.**

To provide additional facilities for displaced persons from Western Pakistan in need of help in obtaining employment, expansion of the Employment Service in East Punjab was authorised in September. Seven new District Employment Offices were accordingly opened at Gurdaspur, Gurgaon, Hissar, Hoshiarpur, Kurukshetra, Ludhiana and Simla in October and one new Sub-Regional Employment Exchange was established at Ferozepur in November. Further expansion will shortly take place as arrangements have been made, in consultation with the Government of Bihar, for 11 of the Employment Information Bureaux in that province, to be converted into District Employment Offices.

### **(6) Registrations and placements—total figures.**

Statistics of registrations and placements will be found in Annexure I. Since the inception of the Employment Service, over 2,77,000 employment seekers have been placed in employment.

### **(7) Difficulties.**

This achievement of the Exchanges seems more remarkable, if the difficulties under which they have worked are borne in mind. The employment situation in the country has been rather unsatisfactory. Before August 15 preoccupations with the constitutional issues and since then, the communal strife and labour strikes have exerted unbalancing effects upon the employment market. The post-war schemes which were expected to increase the volume of available employment in the country have, naturally, receded into the background. Another impediment has been the difficulty of securing residential accommodation for employment-seekers at the places of employment. The unconquered aversion of employment-seekers to manual labour is another headache of the Exchanges. And finally, many employers, both Government and private, have not become Exchange-minded yet. It would be a great help to the Exchanges if they followed the practice of filling their man-power requirements through the public employment agencies.

### **(8) Extension of the scope of the Organisation.**

A major extension of the Organisation's responsibilities was authorised in September when it was decided that facilities should be accorded to displaced persons from Pakistan in obtaining employment. In most Provinces, categories of employment-seekers, other than ex-servicemen and discharged war-workers, had already been brought under the purview of the Employment Exchange Organisation at the instance of the respective Provincial Governments.

### **(9) Placement of displaced persons from Pakistan.**

Statistics regarding the placement of displaced persons from Pakistan are given in Annexure II. Although employers are very sympathetic towards the displaced persons, their resettlement is being hampered by such factors as lack of accommodation near the places of employment, ignorance of local languages and loss by them of documentary evidence regarding academic qualifications and experience. To this may be added, the peculiar psychology of the displaced persons, the result of the tribulations they have gone through, and their general reluctance to do manual labour.

### **(10) Mobile sections.**

Mobile sections are a unique feature of the Employment Exchanges in India and originated because of the problems of long distances in the country and of general illiteracy of the employment-seekers. By the end of the period under review, they had begun functioning in the areas of 21 Exchanges.

### **(11) Employment Advisory Committees.**

Each Employment Exchange has got a local Employment Advisory Committee composed of officials and non-officials and representatives of employers and employment-seekers. By the end of the year, most of the Regional and Sub-Regional Employment Advisory Committees had been constituted. The Central Employment Advisory Committee attached to the Directorate-General of Resettlement and Employment had its first meeting in

January 1947. The Committee was reconstituted in December 1947 and a meeting of the reconstituted Committee was held on the 16th and 17th January 1948.

### (12) Staff training.

A refresher course dealing with "Organisation and Methods, Statistics and Staff Relations" was given to the managerial staff of the Bengal and Assam, Bihar and Orissa, Bombay, Central Provinces and Berar, Delhi and Ajmer-Merwara, Punjab and North West Frontier Province, Sind and Baluchistan and the United Provinces Regions during the early months of the year. In all, 78 Managers (including those from 7 Indian States) and 134 Assistant Managers attended the course. Short training courses for Officers dealing with the registration and placement of refugees were also arranged. Experimental courses for training clerks were held in Delhi towards the close of the year.

### (13) Assistance to employers and workers involved in strikes and lock-outs.

Further consideration was given by Government in consultation with representatives of employers and workers, to the question of rendering assistance to employers and workers involved in strikes and lock-outs. It was not, however, possible to obtain agreement between the parties, and Government, therefore, decided as follows:—

"In the event of a strike or lock-out the Employment Exchange will refuse to accept vacancies or register work people except in the case of a strike or lock-out which the appropriate Government, through an officer duly authorised in this behalf, notifies to the Employment Exchange to be an illegal strike, the continuance of which is contrary to the public interest and directs the Employment Exchange to submit suitable applicants. In all cases where workers are submitted to strike vacancies or where workers who are on strike are submitted to employers for employment, the Employment Exchange, before making such submission, will inform the worker or employer, as the case may be that the vacancy is due to an illegal strike or that the person who had been submitted for employment is at present unemployed because of an illegal strike or lock-out."

### (14) Resettlement Advice Service.

By the end of the year, the Resettlement Advice Officers had interviewed about a million ex-Service personnel. Of these, the numbers requiring assistance in finding employment was about 725,000. With a sharp decrease in the rate of demobilisation, the Resettlement Advice Service staff had a much smaller volume of work to do and its strength was consequently reduced. In September, therefore, it was decided to utilise most of this staff, for work in connection with the registration and placement of displaced persons from Western Pakistan, not merely in East Punjab and Delhi, but in other parts of India as well. The Resettlement Advice Service will cease to exist on February 29, 1948.

### (15) Group employment.

In consultation with the United Provinces Government and the Indian Mining Association, arrangements were made for the Regional Director of Resettlement and Employment, United Provinces, to take over the administration of the Gorakhpur unskilled Labour Organisation to supply labour to mine owners.



### (16) Land colonisation.

During the year under review, the Director-General of Resettlement and Employment was made responsible for the land colonisation schemes for *ex*-Servicemen, hitherto dealt with by the Defence Department of the Government of India. Land Colonisation Co-operative Societies are now functioning in many Provinces and States. Madras, Orissa, the United Provinces, the Andamans and the States of Bundi, Jaipur, Bharatpur and Rampur have colonisation schemes on hand. The total acreage involved in these schemes is over 165,000 with the aim of settling about 8,000 *ex*-Servicemen.

In the case of approved schemes, the Central Government has agreed to give a per capita grant, up to a maximum of Rs. 500 per *ex*-Serviceman (except in the Andaman and Nicobar Islands, where the Central contribution is Rs. 1,000 per settler) settled under the scheme, with the Provincial Government or the State and the Colonists contributing equal amounts. The balance of the expenditure is to be met from loans from the Co-operative Banks.

### (17) Industrial and other co-operatives.

In the field of industrial co-operatives, Madras led the way. It has 11 workshops with membership of 1,034. These workshops manufacture metal-ware, furniture, leather goods and agricultural implements and also undertake repair and maintenance of machines and automobiles. The Bombay Government have sanctioned the establishment of two workshops in addition to granting loans on easy terms to *ex*-Servicemen towards settling them in industrial undertakings. Travancore and Mysore are also taking steps to encourage industrial co-operatives.

## II.—TRAINING.

### (18) Training schemes.

The purpose of the training schemes, which constitute an integral part of the programme of resettlement and employment of *ex*-Servicemen, is to increase the employability of *ex*-Servicemen and others and to ensure an adequate and regular flow of skilled personnel for the operation of the post-war schemes of industrial and agricultural expansion of the country.

### (19) Extension of scope.

During the year, the facilities for technical and vocational training were extended to such *ex*-members of the Civil Pioneer Force as had served, for at least six months, on the eastern side of the Brahamaputra. It was also decided to admit for training *ex*-members of the Boys' Company who were 18 years of age, provided they fulfilled the conditions of eligibility as prescribed for *ex*-Servicemen. A scheme for the technical and vocational training of adult male displaced persons from Western Pakistan with a provision of 2,272 seats was sanctioned and arrangements were made for the immediate admission of 1,191 candidates into the 8 existing training centres for *ex*-Servicemen in Delhi, Ajmer-Merwara and East Punjab. A scheme for the vocational training of displaced women from Western Pakistan in handicrafts was under preparation in consultation with the Women's Section of the Ministry of Relief and Rehabilitation.

### (20) Technical training.

In the undivided India, there were 99 Technical Training Centres (excluding Apprenticeship Training Centres) with a training capacity of

12,381 *ex*-Servicemen. Training in about fifty important engineering and building trades was given at these centres. As a result of the partition of the country, 19 training centres, with their equipment and with a capacity of 2,606 were handed over to Pakistan. The actual number of *ex*-Servicemen under training on the 31st December, was 5,372. Upto this period 1,268 trainees had passed the trade tests for the higher course (Grade II) and 2,192 for the lower course (Grade III).

### (21) Apprenticeship training.

During the period under review, a scheme for the Apprenticeship Training of *ex*-Servicemen in industrial undertakings was put into operation. Regional Directors of Resettlement and Employment were asked to select and post suitable candidates to the industrial undertakings which agreed to provide the necessary training facilities. The response from non-engineering concerns, particularly the textile mills in Bombay and Kanpur, was satisfactory but that from the engineering concerns was rather poor although some of them agreed to take *ex*-Servicemen for apprenticeship training and also to pay them a small allowance during their training. There were 66 centres for apprenticeship training upto 31st December and 457 *ex*-Servicemen were actually undergoing training on that date.

### (22) Vocational training.

Under the Vocational Training Scheme, which is supplementary to the Technical Training Scheme, training is given in nearly a hundred different occupations connected with agriculture, cottage and small-scale industries, commercial occupations and large-scale non-engineering industries. The principal objective here is not so much increasing the employability of the trainees, as equipping them for independent trades which require considerable skill but little capital outlay.

### (23) Vocational training centres.

There were 91 training centres in the undivided India (excluding Apprenticeship Training Centres) with a training capacity for 4,667 *ex*-Servicemen. As a result of the partition, 19 training centres, with their equipment were transferred to Pakistan. There were thus in India 72 training centres with a training capacity of 3,916. 2,439 *ex*-Servicemen were actually under training at the end of December. The number of trainees who passed the prescribed trade tests was 240.

### (24) Training of war disabled.

Before the partition, there were 4 training centres for the war disabled with a training capacity of 500 each. On partition, one training centre, with its equipment was transferred to Pakistan. India was consequently left with three training centres with a total training capacity of 1,500 men. 884 disabled *ex*-Servicemen were actually undergoing training at these centres on the 31st December. 174 trainees completed their training and passed the prescribed trade tests.

### (25) Financial aid to disabled trainees.

The Central Joint War Committee of the Indian Red Cross and St. John's War Organisation contributed a sum of Rs. 2,50,000 for giving financial assistance to disabled trainees who wished to set up their own business on the completion of their training. The Board of Trustees of the United Provinces Post-War Reconstruction Fund also sanctioned a sum of Rs. 20,000 for giving financial assistance to disabled trainees belonging to the United Provinces on the completion of their training. Awards of a

total value of Rs. 8,835, ranging from Rs. 100 to Rs. 200 per trainee, were made to 50 disabled trainees on the recommendations of the local selection committees.

#### (26) Training of ex-Servicewomen.

*Ex-Servicewomen* candidates were permitted to make their own arrangements for training in approved institutions of the country. As provided for in the scheme, they were paid tuition fees, pocket money and messing allowance. On the recommendations of the Standing Finance Committee, the Government of India have, however, decided to terminate the scheme on the 31st March 1948.

#### (27) Training Centre at New Delhi.

A Training Centre for *ex-Servicewomen* was set up in New Delhi under the Ministry of Labour (Directorate-General of Resettlement and Employment) with a training capacity for 200 women to give training in tailoring, dress-making, typing, stenography and commercial subjects.

#### (28) Approved Institutions.

There were 81 approved institutions in which *ex-Servicewomen* were undergoing training and the number on roll on 31st December was 832. The *ex-Servicewomen's* Training Centre at New Delhi had 90 trainees on roll.

#### (29) Production work at the various training centres.

As the training centres are getting into stride, they produce an ever-increasing volume of goods, some of which have undoubtedly attained a high standard of finish and excellence. Some very interesting experiments are also being conducted in the manufacture of articles for which India has so far depended exclusively on imports. One of the Centres succeeded in producing a people's radio set costing about Rs. 75 only. In almost all the centres, the articles produced by the trainees were much in demand in the local market.

#### (30) A Central Institute for Instructors.

A scheme has been formulated for establishing a Central Institute for Instructors on the lines of the recommendations of the Advisory Committee on Technical Training. This will relieve the acute shortage of competent Instructors for technical and vocational institutions. It is proposed to establish the Central Institution for Instructors at the Combined Training Centre, Bilaspur.

#### (31) A long-term plan of training.

The training schemes initiated by the Directorate-General of Resettlement and Employment are short-term plans. It was considered that steps should be taken to evolve a long-term plan of training craftsmen in the light of experience that had been gained. An offer was accordingly made to the Provincial Governments to admit a limited number of civilian students for training in selected training centres for *ex-Servicemen* and give them training on the lines recommended by the Advisory Committee on Technical Training. This utilisation of the centres for the dual purpose of training *ex-Servicemen* and juveniles would be economical. And, as the requirements of *ex-Servicemen* become smaller, more vacancies will become available for civilians, and, eventually, the centres will be engaged exclusively on the training of the latter.

### III.—PUBLICITY.

#### (32) Objectives of publicity.

Publicity of the activities of the Resettlement and Employment Organisation continued with full vigour. During the period under review, the Publicity activities were directed mainly towards the following problems:—

- (a) to make the existence of the Employment Service known to employment-seekers, and to divest them of the inflated notions they held about themselves;
- (b) to induce employers to draw upon the Exchanges for the recruitment of labour;
- (c) to publicise the Training Schemes among potential trainees and employers;
- (d) to impress on all concerned the vital role of the National Employment Service in the country's labour structure and national economy; and
- (e) to make the workers and employers Exchange-minded.

#### (33) Media of publicity.

All available media of publicity were employed, namely, the press, the platform, visual aids, the radio, etc. A series of leaflets, pamphlets, brochures, posters, stickers, folders, etc., were printed, and supplied to the regions for distribution and display in suitable quarters. Most of the productions were pictorial, well-printed and artistically finished. The regions published translations of the English text of these publicity materials in local languages.

#### (34) The Resettlement News.

The *Resettlement News*, the monthly bulletin of the Directorate-General, started in 1946, was continued with new features added to it. The size of the bulletin has already been increased from 6 to 10 pages, which provide larger scope for bringing out all the main features of the activities of the Directorate-General, and making its appeal more effective. Efforts were made to bring out a Hindi edition as well, but the plan did not materialise for want of printing facilities. A special number of the *Employment News* (the title of the bulletin has been changed from *Resettlement News*) was brought out on the occasion of the Preparatory Asian Regional Labour Conference, which received wide attention and appreciation.

#### (35) The Press.

Efforts made both at the headquarters and in the regions to enlist the support of the press have begun to bear fruit. There was growing appreciation of the vital role of the Employment Service in the country's development and the press was definitely friendly. There was prompt publication of press-notes, and comments were also generally favourable. Periodical press conferences and visits by press men to the Exchanges and the training centres were also arranged during the year. Special efforts were made to enlist the co-operation of the Indian language newspapers and periodicals.

#### (36) Press Advertisement Campaigns.

A press advertisement campaign, aiming at publicising the impressive progress made by the Employment Service within two years, as reflected in the placement of over two lakhs of registrants, in employment, and the successive establishment of new records, and inducing employers to draw

more liberally on the Employment Service, was launched in August 1947, and was put through all the leading English dailies and trade journals in India. A New Year's Press campaign has also been worked out.

### (37) Film publicity.

A plan for the production of a documentary film to popularise the training scheme was sponsored, and is awaiting financial sanction. Cinema slides, with a country-wide coverage, were shown at Cinema Houses to popularise the Exchanges. Three 16 mm. sound projectors have been purchased, which will be used for showing instructive films at the training centres.

### (38) Radio Broadcasts.

Radio broadcasts from the various stations of the A. I. R. were arranged as a regular feature. 320 broadcasts were made during the period under review. Talks in Indian languages were included in the rural programme. A welcome development has been the growing interest of the representatives of industry and labour, which is reflected in their readiness to broadcast in favour of the National Employment Service, when approached to do so.

### (39) Melas, Fairs, etc.

Melas, fairs and other large congregations were utilised for publicity. Increasing use was made of industrial and agricultural exhibitions, where special stalls were set up in some towns and cities to focus public attention on the Resettlement and Employment Organisation.

### (40) Refugees.

Suitable publicity was given to the Directorate-General in the matter of resettlement of refugees. A Press Advertisement Campaign directed towards employers, has been taken in hand. The Public Relations Staff in the regions, particularly in East Punjab, Delhi and the United Provinces, has been mobilised to assist in refugee-resettlement work.

## IV.—CONCLUSION.

41. Thus the foundations of a public Employment Service in India appear to have been securely laid. The Employment Service is necessary not only in times of war, but even more so, in times of peace, for manpower budgeting is necessary both in war and in peace. The utility of a public Employment Service, in a national emergency like that of the resettlement of the displaced persons from Pakistan in our country, has been demonstrated since September last. However, the Employment Service Organisation in India will need considerable extension of scope and organisation before it can be said to measure up to the standards of a modern state. The Organisation, as it exists today, is not in harmony with the requirements of the Unemployment Convention of 1919. Many of our Employment Exchanges still cater for specific categories of persons, viz., ex-Servicemen, discharged war-workers and displaced persons and not for all employment-seekers. Besides, we in India, have yet to take effective steps to co-ordinate the operations of public and private employment agencies, i.e., of our Employment Exchanges, on the one hand, and of the trade unions, University Employment Bureaux and various communal organisations, etc., on the other. Finally, the very future of the Organisation is obscure: the present tenure of the Organisation expires in July 1950 and some of the training and other schemes expire even earlier, viz., about the middle of 1949. If the progress which has been already achieved during the past 2½ years is to be maintained, it is essential that the policy of Government in regard to this Organisation should be stated in clear and unambiguous terms at a very early date.

## ANNEXURE I.

*Region-wise Analysis of Registrations, Placings and Number of Applicants on the Live Register as at end of each month, during the year 1947.*

Month.	All-India.			Bengal and Assam.			Bihar and Orissa.		
	Registra- tions.	Plac- ings.	No. of appli- cants on Live Register at end of the month.	Registra- tions.	Plac- ings.	No. of appli- cants on Live Register at end of the month.	Registra- tions.	Plac- ings.	No. of appli- cants on Live Register at end of the month.
1	2	3	4	5	6	7	8	9	10
1947.									
January .. ..	71,187	12,593	325,420	8,000	1,223	48,471	4,222	918	25,929
February .. ..	56,877	11,380	341,816	7,359	956	49,804	3,598	993	27,212
March .. ..	57,700	12,093	352,464	8,016	1,302	51,515	3,015	761	28,268
April .. ..	51,613	12,415	358,843	5,400	899	49,471	2,978	835	29,905
May .. ..	57,655	13,761	351,790	7,855	1,342	47,013	3,180	814	31,833
June .. ..	53,447	14,861	348,473	7,442	1,208	46,232	3,220	984	31,987
July .. ..	59,663	16,083	352,010	8,182	1,292	47,153	4,526	922	33,759
August* .. ..	20,284	5,859	351,781	2,306	365	46,537	1,309	359	34,276
September† .. ..	50,672	15,434	238,375	6,491	1,311	21,035	3,961	1,133	36,110
October .. ..	45,959	14,395	236,530	3,584	991	21,495	1,721	627	36,426
November .. ..	53,133	15,797	226,086	5,442	1,245	22,844	2,536	1,093	35,397
December .. ..	58,074	16,103	236,734	5,081	1,230	23,930	2,815	968	33,691
Total .. ..	636,264	161,374	..	75,157	13,364	..	37,081	10,407	..

Month.	Delhi and Ajmer.			Madras.			Punjab and North- West Frontier Province.		
	Registra- tions.	Plac- ings.	No. of appli- cants on Live Register at end of the month.	Registra- tions.	Plac- ings.	No. of appli- cants on Live Register at end of the month.	Registra- tions.	Plac- ings.	No. of appli- cants on Live Register at end of the month.
1	2	3	4	5	6	7	8	9	10
1947.									
January .. ..	2,387	516	8,232	19,980	1,953	67,700	17,560	3,240	89,107
February .. ..	1,847	406	7,074	12,025	1,555	72,242	14,837	2,794	95,614
March .. ..	1,608	372	6,889	14,468	1,780	76,589	12,214	2,395	97,319
April .. ..	1,721	406	6,217	11,476	1,588	80,872	11,775	2,902	98,762
May .. ..	2,295	479	5,174	11,225	2,470	78,734	12,668	3,205	94,944
June .. ..	2,187	536	5,348	10,735	2,648	80,274	11,909	3,939	93,468
July .. ..	2,808	488	5,678	10,559	2,578	78,890	13,292	4,132	91,065
August* .. ..	1,368	167	6,103	4,190	1,086	80,210	3,831	1,046	90,985
September† .. ..	4,019	544	7,105	11,675	3,815	76,782	5,572	2,110	22,035
October .. ..	6,652	838	10,834	8,024	2,192	72,299	11,199	3,268	25,389
November .. ..	7,248	731	13,727	7,169	2,214	59,434	13,986	2,860	39,825
December .. ..	8,817	927	19,992	6,528	1,978	67,290	14,652	3,284	34,341
Total .. ..	42,957	6,410	..	1,28,054	25,857	..	1,43,495	35,175	..

\*Figures relate to the period 1-14th August 1947 only.

†Figures relate to the period 15th August to 30th September 1947, and from this period onward the figures for the regions Bengal and Assam and Punjab and North-West Frontier Province relate only to West Bengal and Assam and East Punjab, respectively.

Month.	Bombay.			Central Province and Berar.		
	Registra- tions.	Placings.	Number of applicants on Live Register at end of the month.	Registra- tions.	Placings.	Number of applicants on Live Register at end of the month.
1	2	3	4	5	6	7
1947.						
January .. ..	5,653	1,210	24,146	1,705	403	9,076
February .. ..	4,744	1,121	24,607	1,503	350	9,353
March .. ..	4,070	1,288	24,194	1,535	456	9,010
April .. ..	4,501	1,300	25,343	1,636	308	9,591
May .. ..	3,756	1,039	22,004	1,600	373	9,319
June .. ..	3,859	950	22,332	1,612	371	9,205
July .. ..	4,425	1,075	24,612	1,660	477	9,435
August* .. ..	1,486	432	23,564	620	212	9,787
September† .. ..	4,061	1,081	23,641	1,706	498	9,097
October .. ..	4,540	1,752	25,308	1,389	699	8,115
November .. ..	4,508	1,682	24,921	1,088	395	7,806
December .. ..	5,171	1,740	25,226	1,816	443	7,705
Total .. ..	51,773	15,276	..	18,149	4,094	..

Month.	Sind and Baluchistan.			United Provinces.		
	Registra- tions.	Placings.	Number of applicants on Live Register at end of the month.	Registra- tions.	Placings.	Number of applicants on Live Register at end of the month.
1	2	3	4	5	6	7
1947.						
January .. ..	1,483	473	4,603	10,107	2,651	48,066
February .. ..	1,366	504	4,709	9,508	2,692	51,111
March .. ..	1,619	581	4,086	11,146	3,158	54,585
April .. ..	1,649	670	4,204	10,477	3,501	54,478
May .. ..	1,695	610	3,500	13,381	3,420	58,270
June .. ..	1,822	620	3,588	10,661	3,605	56,039
July .. ..	2,354	700	4,377	11,848	4,020	57,041
August* .. ..	686	102	4,681	4,489	2,000	55,038
September† .. ..	..	..	..	12,107	4,342	42,570
October .. ..	..	..	..	8,850	4,028	36,664
November .. ..	..	..	..	11,066	5,577	32,132
December .. ..	..	..	..	13,194	5,533	34,550
Total .. ..	12,674	4,446	..	1,26,924	45,445	..

\*Figures relate to the period 1-14th August 1947 only.

†Figures relate to the period 15th August to 30th September 1947, and from this period onward the figures for the regions Bengal and Assam and Punjab and North West Frontier Province relate only to West Bengal and Assam and East Punjab, respectively.

## ANNEXURE II.

Statement showing region-wise analysis of refugees registered and placed during the quarter ending December 1947.

Month.	All-India Total.		West Bengal and Assam.		Bihar and Orissa.		Bombay.		Central Province and Berar.	
	Registra- tions.	Plac- ings.	Registra- tions.	Plac- ings.	Registra- tions.	Plac- ings.	Registra- tions.	Plac- ings.	Registra- tions.	Plac- ings.
1	2	3	4	5	6	7	8	9	10	11
1947.										
October ..	19,521	3,607	1	..	44	2	1,113	106	77	7
November ..	20,072	3,060	14	1	63	3	1,288	335	128	19
December ..	24,631	3,890	20	1	135	11	1,479	542	403	42
Total ..	64,224	10,566	35	2	272	16	3,880	983	608	68

Month.	Delhi and Ajmer.		Madras.		East Punjab.		United Provinces.	
	Registra- tions.	Placings.	Registra- tions.	Placings.	Registra- tions.	Placings.	Registra- tions.	Placings.
	12	13	14	15	16	17	18	19
1947.								
October ..	6,561	354	15	1	9,831	2,852	1,679	285
November ..	5,487	346	44	2	10,898	1,950	2,120	404
December ..	7,016	354	18	4	12,275	2,412	3,285	533
Total ..	19,064	1,054	77	7	33,004	7,214	7,284	1,222

## ANNEXURE III.

Statement showing the number of training centres, sanctioned seats and number of persons undergoing training under Technical Training Scheme.

Months.	Bengal and Assam.			Bihar and Orissa.		
	Number of centres.	Number of sanctioned seats.	Number of men under training.	Number of centres.	Number of sanctioned seats.	Number of men under training.
1	2	3	4	5	6	7
1947.						
January ..	19	2,062	943	7	880	544
February ..	20	2,262	1,070	8	936	559
March ..	20	2,071	1,236	8	936	531
April ..	19	2,065	1,205	8	936	522
May ..	19	2,051	1,267	8	936	540
June ..	18	2,055	1,252	8	936	521
July ..	18	2,055	1,222	7	906	525
August ..	18*	2,055*	1,189*	7	906	524
September ..	11	1,229	593	7	906	522
October ..	11	1,217	494	7	906	560
November ..	10	1,207	403	7	906	588
December ..	9	1,087	413	7	906	543

Notes.—(1) \*From September 1947, onwards the figures for the Regions of Bengal and Assam and Punjab and N. W. F. P. relate only to West Bengal and Assam and East Punjab.

(2) Figures for months up to September 1947, include those relating to apprentice ship training.



Month.	Bombay.			C. P. and Berar.		
	Number of centres.	Number of sanctioned seats.	Number of men under training.	Number of centres.	Number of sanctioned seats.	Number of men under training.
1	8	9	10	11	12	13
1947.						
January ..	4	514	228	3	268	98
February ..	3	418	225	2	270	126
March ..	4	514	207	3	304	123
April ..	5	772	204	2	280	141
May ..	6	820	245	2	280	147
June ..	6	820	300	2	280	151
July ..	6	820	387	2	280	151
August ..	6	820	443	2	280	188
September ..	6	820	485	2	280	198
October ..	6	820	503	2	280	137
November ..	6	820	520	2	280	136
December ..	6	820	512	2	280	157

Month.	Delhi and Ajmer-Merwara.			Madras.		
	Number of centres.	Number of sanctioned seats.	Number of men under training.	Number of centres.	Number of sanctioned seats.	Number of men under training.
1	14	15	16	17	18	19
1947.						
January ..	5	1,296	246	31	3,094	2,010
February ..	5	1,296	263	31	3,214	2,126
March ..	5	1,296	286	36	3,502	2,244
April ..	5	1,296	326	36	3,582	2,222
May ..	5	1,296	363	35	3,334	2,352
June ..	5	1,296	513	35	3,534	2,413
July ..	5	1,296	412	34	3,406	2,685
August ..	5	1,296	439	34	3,390	2,757
September ..	5	1,296	307	34	3,390	2,568
October ..	5	1,296	338	34	3,390	2,398
November ..	4	1,208	261	34	3,390	2,381
December ..	4	1,208	227	34	3,390	2,420

Month.	Punjab and N. W. F. P.			Sind and Baluchistan.		
	Number of centres.	Number of sanctioned seats.	Number of men under training.	Number of centres.	Number of sanctioned seats.	Number of men under training.
1	20	21	22	23	24	25
1947.						
January .. ..	16	2,198	901	3	332	121
February .. ..	16	2,186	1,048	2	284	126
March .. ..	17	2,326	1,146	2	284	134
April .. ..	17	2,326	1,137	2	284	135
May .. ..	17	2,326	1,181	2	284	126
June .. ..	17	2,326	1,167	2	272	132
July .. ..	17	2,326	1,198	2	272	153
August .. ..	17*	2,326*	1,196*	2	272	159
September .. ..	7	818	357	..	..	..
October .. ..	6	768	265	..	..	..
November .. ..	5	738	157	..	..	..
December .. ..	5	738	154	..	..	..

Month.	United Provinces.			Total—all Regions.		
	Number of centres.	Number of sanctioned seats.	Number of men under training.	Number of centres.	Number of sanctioned seats.	Number of men under training.
1	26	27	28	29	30	31
1947.						
January .. ..	10	1,066	492	98	11,710	5,583
February .. ..	11	1,043	564	98	11,909	6,107
March .. ..	11	1,043	651	106	12,276	6,558
April .. ..	14	1,011	665	108	12,552	6,617
May .. ..	21	1,065	710	115	12,392	6,921
June .. ..	21	1,065	695	114	12,584	7,144
July .. ..	21	1,091	743	112	12,452	7,477
August .. ..	21	1,099	782	112	12,444	7,677
September .. ..	21	1,099	771	93	9,838	5,801
October .. ..	21	1,099	739	92	9,776	5,434
November .. ..	10	1,088	706	78	9,637	5,152
December .. ..	9	1,028	578	76	9,457	5,372

Notes.—(1) \*From September 1947, onwards the figures for the Regions of Bengal and Assam and Punjab and N. W. F. P. relate only to West Bengal and Assam and East Punjab.

(2) Figures for months up to September 1947, include those relating to apprenticeship training.

## ANNEXURE IV.

*Statement showing the number of training centres, sanctioned seats and number of persons undergoing training under Vocational Training Scheme.*

Month.	Bengal and Assam.			Bihar and Orissa.		
	Number of centres.	Number of sanctioned seats.	Number of men under training.	Number of centres.	Number of sanctioned seats.	Number of men under training.
1	2	3	4	5	6	7
1747.						
January .. ..	14	95	10	1	40	..
February .. ..	18	274	10	2	80	..
March .. ..	19	444	29	3	120	4
April .. ..	19	444	57	4	135	6
May .. ..	10	414	100	4	135	40
June .. ..	10	414	104	11	201	50
July .. ..	10	414	116	11	201	91
14th August ..	10*	414*	125*	11	201	108
September ..	9	374	96	11	226	124
October ..	9	374	100	11	226	155
November ..	10	425	111	11	226	155
December ..	9	380	134	11	226	161

Month.	Bombay.			C. P. and Berar.		
	Number of centres.	Number of sanctioned seats.	Number of men under training.	Number of centres.	Number of sanctioned seats.	Number of men under training.
1	8	9	10	11	12	13
1947.						
January .. ..	2	40	..	1	250	14
February .. ..	2	40	..	1	250	16
March .. ..	2	40	3	1	250	15
April .. ..	3	60	7	1	250	15
May .. ..	3	60	7	1	250	21
June .. ..	6	100	8	2	310	31
July .. ..	8	136	18	2	310	42
14th August ..	8	156	65	2	310	101
September ..	10	176	65	2	310	119
October ..	10	176	98	2	310	129
November ..	10	186	95	2	310	122
December ..	8	156	126	2	310	138

*Note.*—(1) \*From September 1947, onwards the figures for the Regions of Bengal and Assam relate only to West Bengal and Assam.

Month.	Delhi and Ajmer-Merwara.			Madras.		
	Number of centres.	Number of sanctioned seats.	Number of men under training.	Number of centres.	Number of sanctioned seats.	Number of men under training.
1	14	15	16	17	18	19
1947.						
January .. ..	1	250	76	2	290	8
February .. ..	1	310	92	8	546	34
March .. ..	1	310	95	14	1,038	48
April .. ..	1	310	132	14	1,042	45
May .. ..	2	340	145	14	1,038	54
June .. ..	2	340	142	14	1,038	208
July .. ..	2	340	167	14	1,038	325
14th August ..	2	340	167	14	1,038	357
September ..	2	340	59	13	998	392
October .. ..	2	340	123	13	998	438
November ..	2	340	100	13	998	562
December ..	2	340	78	12	960	550

Month.	Punjab and N. W. F.P.			Sindh and Baluchistan.		
	Number of centres.	Number of sanctioned seats.	Number of men under training.	Number of centres.	Number of sanctioned seats.	Number of men under training.
1	20	21	22	23	24	25
1947.						
January .. ..	9	535	24	..	..	..
February .. ..	10	547	32	..	..	..
March .. ..	19	625	50	..	..	..
April .. ..	21	690	49	..	..	..
May .. ..	26	930	51	..	..	..
June .. ..	26	930	230	..	..	..
July .. ..	25	890	247	..	..	..
14th August ..	26*	930*	232*	..	..	..
September ..	7	169	2	..	..	..
October .. ..	7	169	2	..	..	..
November ..	5	74	..	..	..	..
December ..	5	74	..	..	..	..

Notes.—(1) \*From September 1947, onwards the figures for the Regions of Punjab and N. W. F. P. relate only to East Punjab.

(2) Figures for months up to September 1947, include those relating to apprenticeship training.

Month.	United Provinces.			Total—all Regions.		
	Number of centres.	Number of sanctioned seats.	Number of men under training.	Number of centres.	Number of sanctioned seats.	Number of men under training.
1	26	27	28	29	30	31
1947.						
January .. ..	8	843	440	38	2,343	572
February .. ..	11	1,268	509	53	3,315	783
March .. ..	12	1,362	794	71	4,189	1,038
April .. ..	16	1,377	893	79	4,308	1,204
May .. ..	16	1,377	918	76	4,544	1,336
June .. ..	16	1,377	899	87	4,710	1,672
July .. ..	16	1,377	991	88	4,706	1,997
14th August ..	26	1,507	1,016	99	4,896	2,171
September ..	26	1,507	1,030	80	4,100	1,887
October .. ..	26	1,527	1,137	80	4,120	2,182
November ..	44	1,497	1,219	97	4,056	2,364
December ..	44	1,497	1,252	93	3,943	2,439

## APPENDIX—III(ii).

*Item III (Supplement).—A Brief Report of the Activities of the Directorate-General of Resettlement and Employment.*

# I.—TO CONSIDER THE FUTURE OF THE EMPLOYMENT SERVICE.

1. The Employment Exchange Organisation has been sanctioned for a period of five years, of which nearly three have passed. The Provinces and States have had, during this period, a full opportunity of watching its development and work. It is now desirable to reach a firm decision whether the Service should be placed on a permanent basis. Any postponement of this vital decision is likely to embarrass the working and development of the Organisation as among other things, there is considerable uneasiness among the staff over their future prospects. Without security of tenure, it is difficult to attract and retain the best possible personnel to man the Employment Services.

2. This question was raised at the Conference of Labour Ministers held in April 1947, when it was pointed out that there are many sound uses to which a permanent Employment Service would be put, namely—

- (1) Collecting and making available information concerning labour supply and employment opportunities and other information of value in promoting full employment.
- (2) Assisting workers to find suitable employment and employers to find suitable workers.
- (3) Assisting in developing and in determining the scope of training and retraining courses.
- (4) Developing methods of facilitating the transference when necessary of workers from one occupation or area to another.
- (5) Helping to achieve the best possible distribution power within each industry and area.
- (6) Assisting public and private bodies in planning the location of industry, public works, housing projects, social amenities and other social and economic measures.
- (7) Giving of vocational guidance to juveniles.
- (8) Collection of statistics of employment and unemployment.
- (9) Administering schemes of unemployment relief and insurance.
- (10) Implementation of schemes for the decasualisation of Labour.

3. The Preparatory Asian Regional Labour Conference which was held in New Delhi in October-November 1947 adopted the following resolution on Employment Services:—

“The War-time developments in the organisation of employment service in Asian countries and their subsequent extension and utilisation for helping to place former Services personnel and war-workers in employment are noteworthy.

The development of a proper employment service organisation is necessary for securing the proper utilisation of national man-power resources and for promoting the mobility of labour, and it will also be useful preliminary to the introduction of unemployment insurance and relief.

The Conference, therefore, expresses the hope that these services will be further expanded so that they will be made available, in due course, to all employers and workers in the community, and invites the Governments concerned to implement the principles and practices embodied in the International Labour Code as fully as possible in organising the employment services and recommends to its members, the representatives of Governments as well as those of employers' and workers' organisations that they take steps to promote the engagement of workers through employment offices where such exist.

The Conference requests the Governing Body to draw the attention of Governments of Asian countries to the need for the proper and healthy development of employment services and to instruct the International Labour Office to study with the assistance of the Governments concerned the working of those employment services in the light of international experience with a view to encouraging their healthy and proper development."

4. The Central Employment Advisory Committee, at a meeting held on the 16th January 1948, passed the following resolution recommending that the Employment Service should be placed on a permanent basis:—

"This committee recommends to the Government of India—

- (i) that the Employment Service be declared a permanent service and developed;
- (ii) that an office of the Employment Service be opened in each revenue district and that further expansion of the service be made as dictated by needs revealed in individual districts; and
- (iii) that the Employment Service be made available to all categories of employment seekers."

5. It will be appreciated that without a permanent Employment Service it would be difficult for India to have many labour developments along the lines of modern countries. In this connection, reference may be made to the discussions in meeting of the Employment Committee of the Governing Body of the International Labour Office held in December 1947, where Mr. N. M. Joshi referred to the non-availability of statistics of employment and unemployment in India and enquired of the International Labour Organisation what steps had been taken to obtain this information. The Secretary of the Indian Ministry of Labour pointed out that the Employment Service in India was not yet permanent and that there was no law compelling employers to obtain the required information. In these circumstances, it is desirable that India should have a permanent Employment Service and be in a position to collect employment and unemployment statistics and conform to international practice.

6. The present position and achievements of the Exchange Organisation may be briefly reviewed here. When the organisation started it was responsible for the resettlement of ex-servicemen and discharged war-workers. Gradually, however, the scope of the service has been enlarged to embrace other categories of employment-seekers and the policy has been to throw the service open to all employment-seekers. The service is now available to all sections of the community in all the provinces.

7. When the partition of India took place there were 70 Employment Exchanges, of which 17 were transferred to Pakistan. There are now 54

Employment Exchanges in India. In addition there are 15 District Employment Offices in the Madras Presidency and 8 in East Punjab, functioning as out-housed sections of the Employment Exchanges.

8. From the inception of the Employment Exchange Organisation up to the end of February 1948, 1,363,676 employment-seekers had registered themselves with the Exchanges; of this number, 311,086 had been placed in employment by the Exchanges. The number of placings has been steadily increasing month by month and in the month of February 1948 reached the highest level since the inception of the scheme, viz., 17,153.

9. The partition of India caused a considerable movement of displaced persons from Pakistan to India. In this emergency, the Employment Service was asked to extend its scope to give employment assistance to refugees. Up to the end of February 1948, 112,147 displaced persons had registered with the Employment Exchanges, of whom 20,098 had been placed in employment. The value of an organisation like the Employment Service at a time of national emergency was thus proved for the first time.

## II.—TRAINING AND APPRENTICESHIP OF CRAFTSMEN FOR INDUSTRY.

1. The Report of the Advisory Committee on Technical Training (1944-45), in which the Committee made certain recommendations concerning (i) the training and apprenticeship of craftsmen for the engineering industry and (ii) training of Instructors, was forwarded to the Provincial Governments in February 1946. It was brought up for consideration at the Provincial Labour Ministers' Conference held in New Delhi in April last year. The Ministers expressed the view that their Governments should be given an opportunity to consider the proposals in greater detail. Accordingly the Provincial Governments were addressed by this department in May 1947, regarding the action proposed to be taken on the recommendations of the Advisory Committee.

2. It was suggested to the Provincial Governments that the recommendations of the Advisory Committee could be implemented immediately by admitting a limited number of young boys to some selected Training Centres, which this department has set up for the training of demobilised services personnel, and by giving them training as proposed by the Committee. As the requirements of *ex*-Servicemen became smaller, more vacancies could be provided for civilian boys and ultimately the centres would be engaged exclusively on the training of the latter. A long-term plan of training, as recommended by the Committee, could thus be gradually built up. This department undertook to provide the necessary machinery and equipment and to organise and supervise training through its directional and inspectional staff and arrange for trade testing on the completion of training. The Provincial Governments were required to bear only the recurring expenditure involved in the training of boys, an estimate of which was furnished to them.

3. Replies have now been received from all the Provincial Governments. The Governments of Assam, West Bengal, Bihar, Orissa, Bombay and East Punjab have agreed to participate in the scheme of training recommended by the Advisory Committee. The Government of Bombay, however, desire the Central Government to bear 50 per cent. of the cost of the training. The Governments of Madras, United Provinces and Central Provinces and Berar have not agreed to participate in the scheme as they have their own plans for providing facilities for craftsman training in their respective Provinces.



4. The Advisory Committee has recommended that training of craftsmen should be planned and organised on a national basis and its aim should be to train boys for a National Certificate of Craftsmanship. This will ensure uniformity of standards throughout the country and facilitate mobility of labour. This object, however, cannot be achieved until *all* the Provincial Governments agree to participate in the scheme.

5. The position has also altered since the offer mentioned in paragraph 2 above was made to the Provincial Governments. The Technical Training Scheme for *ex*-Servicemen, according to its present sanction, is due to come to an end on the 28th February 1949, although the training centres in some of the Provinces will continue to function for some time longer in connection with the training of refugees from Western Pakistan. The training course for boys, on the other hand, will be for a period of 3½ years. So long as the training of *ex*-Servicemen and refugees continues the training centres will remain under the administrative control of the Central Government and it would be convenient for the Central Government to operate the new scheme. It is, however, for consideration as to what arrangements should be made for the operation of the new scheme after the training of *ex*-Servicemen and refugees has come to an end.

6. As technical training of the kind contemplated is a responsibility of the Provinces, it is suggested that the Provincial Governments may take over in due course the administration of the Training Scheme for juveniles along with the Training Centres engaged on their training and bear the entire expenditure in connection therewith. The responsibility of the Central Government may be confined to co-ordination of training only with a view to ensuring uniformity of standards and giving such technical assistance as the Provinces may require.

7. The Report of the Advisory Committee on Technical Training was published in 1945, but it has not been possible to implement its recommendations regarding training and apprenticeship of craftsmen up till now. At the last Conference of the All-India Council for Technical Education, the representatives of labour expressed great dissatisfaction at the fact that the scheme recommended by the Committee had not been implemented. The Scientific Manpower Committee in its interim report has also urged upon Government to implement the scheme without further delay. It is, therefore, necessary to take a firm decision whether the scheme should be implemented or not.

8. The views of the Provincial Labour Ministers are invited on the following points:—

(a) Whether training and apprenticeship of craftsmen should be planned and organised on a national basis as recommended by the Advisory Committee on Technical Training;

(b) Whether the Provincial Governments agree to take over in due course the Training Centres engaged in the training of juveniles and bear the entire expenditure in connection with the training after the Training Schemes for *ex*-Servicemen and refugees have come to an end; and

(c) Whether the Provincial Governments agree to the Government of India undertaking co-ordination of training with a view to ensuring uniformity of standards.

### III.—ESTABLISHMENT OF A CENTRAL INSTITUTE FOR THE TRAINING OF CRAFTSMAN INSTRUCTORS.

1. The Advisory Committee on Technical Training, in its report on Training and Apprenticeship of Craftsmen, submitted to Government in August 1945, drew pointed attention to the dearth of suitable Instructors for training craftsmen in India and recommended the establishment of a Central Institute for training Craftsman Instructors.

2. The recommendations of the Advisory Committee was forwarded to the Provincial Governments in March 1947, and they were asked to inform this department whether they would support such a scheme by sending Instructors employed or to be employed by them for training at the Institute and share the recurring cost of training of their nominees on a proportionate basis.

3. The Advisory Committee's recommendation was also considered at the Provincial Labour Ministers' Conference held in New Delhi in April last year. Opinion at the Conference was that the setting up of a Central Institute for the training of Instructors was a step in the right direction.

4. Replies have now been received from all the Provincial Governments except the Government of West Bengal. The Governments of Assam, Bihar, Central Provinces and Berar, Orissa, East Punjab and United Provinces have agreed to support the Scheme and send their nominees to the Central Institute for training. The Governments of Madras and Bombay have not agreed to join the scheme. The former have stated that they have their own plans for training Craftsman Instructors. The latter consider that the medium of instruction at the Central Institute, which will be Hindustani, will not suit the requirements of Instructors from Bombay, who should be given training through the medium of the language of the Province. The Government of Bombay therefore consider that this training should be left to them and the Central Government should make a grant to them for the purpose. It may be pointed out that by participating in the Central Government's Scheme, uniform standards of training will be achieved. Moreover, as the training will be intensely practical, language should not present any insuperable difficulty.

5. The Government of India have now sanctioned the establishment of a Central Institute for the training of Instructors for a period of three years in the first instance. The Institute will be located at the combined Technical and Vocational Training Centre, Koni Camp, Bilaspur, where sufficient accommodation is already available and where the Combined Training Centre will serve the purpose of a practising school for the Instructor trainees. Efforts are being made to start the Institute in April 1948.

6. Training will be given in the beginning to the Instructors employed under the training schemes for *ex*-Servicemen with a view to improving their efficiency and the nominees of the Provincial Governments who have agreed to participate in the scheme. The Institute will also undertake the training of new Instructors who may be required in connection with the training of refugees from Western Pakistan. After the training schemes for *ex*-Servicemen and refugees have come to an end, the Institute will be engaged on the training of nominees of Provincial Governments and admission will be thrown open also to private candidates who may wish to qualify for a Technical Teacher's Certificate.

7. It is hoped that all the Provincial Governments will now agree to participate in the scheme.

## APPENDIX IV (i).

*Item IV*—Statement showing action taken on the decisions arrived at the Indian Labour Conference and the Standing Labour Committee.

Subject discussed.	Action taken.
<b>First Standing Labour Committee—November-December 1942.</b>	
1. War time legislation affecting Labour: Tripartite collaboration machinery in Provinces.	<p data-bbox="550 505 1144 584"><b>Orissa :</b> No such machinery was set up in the province as the Labour problems of this province did not justify it.</p> <p data-bbox="550 593 1144 672"><b>Bihar :</b> The Government of Bihar have constituted a tripartite Labour Advisory Board to advise Government on all matters affecting Labour.</p> <p data-bbox="550 682 1144 897"><b>United Provinces :</b> With the termination of war most of the war time legislation has now been replaced by other laws. Tripartite collaboration machinery is being developed in the province. In United Provinces there is already a Standing Labour Committee consisting of members of the legislature, representatives of the employers and the labour, and officers and relevant department of the Government for the purpose.</p> <p data-bbox="550 907 1144 1103"><b>Baroda :</b> The Government of Baroda have appointed an <i>ad hoc</i> Tripartite Labour Committee to study and report on certain important problems connected with industry and labour in the State. They have also directed that during the existence of the Committee neither party should resort to strike or lock-out and all disputes regarding labour will be referred to the Committee.</p> <p data-bbox="550 1113 1144 1172"><b>Indore :</b> (No comments necessary as the war time period referred to has already passed.)</p> <p data-bbox="550 1181 1144 1348"><b>Travancore :</b> A Tripartite Labour Conference on the model of the Indian Tripartite Labour Conference was organised in Travancore. The first meeting of this conference was held on the 7th and 8th October 1946. The conference was successful in having been able to reach agreed decisions on all the topics discussed at the conference.</p> <p data-bbox="550 1358 1144 1485"><b>West Bengal :</b> A tripartite collaboration machinery with equal number of representatives from Government and organisations of employers and workers has been constituted. It has been designated "Provincial Labour Advisory Board."</p> <p data-bbox="550 1495 1144 1671"><b>Delhi :</b> Though no tripartite collaboration machinery has yet been set up in Delhi Province, yet the Provincial Government is considering actively the proposal to constitute a Tripartite Labour Advisory Board at the earliest. Practically all labour laws which were enacted during the war, were enforced in the province.</p>
<b>Third Standing Labour Committee—May 1943.</b>	
2. "Fair Wage" clause in Government contracts.	<p data-bbox="544 1756 1144 1854"><b>Central :</b> The clause has already been introduced in the Central Public Works Department contracts. Provincial Governments and Indian States have also been requested to introduce the clause.</p>

Subject discussed.

Action taken.

**Third Standing Labour Committee—May 1943—contd.**

2. "Fair Wage" clause in Government contracts *contd.*
- Madras :** The question of introducing a fair wage clause in Provincial Public Works Department contracts is under consideration. A suitable fair wage clause will be introduced, as soon as certain points which are now under correspondence with the Government of India have been clarified.
- Orissa :** The Provincial Government are unable for the time being to adopt provisions similar to those introduced by the Government of India.
- United Provinces :** The Public Works Department have been asked to introduce the clause in all Public Works Department contract forms.
- West Bengal :** In all Bengal Government contracts there is a clause to the effect that a contractor should pay his labourer wages not less than what is considered responsible for the locality by the Superintending Engineer.
- Baroda :** The matter is under consideration.
- Indore :** Inclusion of a Fair Wage clause in contracts is being considered by the local Public Works Department.
- Travancore :** The question of including a "Fair Wage" clause in Government contracts is under the consideration of the Government.
- Ajmer-Merwara :** Building contracts which are given through the Central Public Works Department contain "Fair Wage" clauses.
- Goorg :** The clause has been introduced in the Central Public Works Department contracts.
- Delhi :** The fair wage clause has already been introduced in the Public Works Department contracts.
3. Industrial Statistics Act (XIX of 1942).
- Central :** Proposals for the collection of statistics of wages and earnings under the Industrial Statistics Act (XIX of 1942) were made in 1944 but were not pursued, but returns were called for on a voluntary basis. It has been found that the voluntary method will not succeed and detailed proposals are being worked out to collect statistics relating to some of the important matters in clause 3(1)(b) of the Act.
- Madras :** Under the census of Manufacturing Industries Rules issued under the Industrial Statistics Act, 1942, returns are being collected on a statutory basis in respect of 29 industries from 1946.
- Bihar :** According to the instruction of the Provincial Government, statistics of "Employment and Earnings, including dearness allowances" are still being collected. Although some efforts are being made to collect statistics of bigger factories employing 50 or more workers in a more comprehensive way but as collection of statistics still remains on voluntary basis, the response is not satisfactory.
- United Provinces :** The Industrial Statistics Act, 1942, has been enforced in the Province with effect from April 15, 1945. The Economic Adviser has been notified as Statistics Adviser under the Act.

Subject discussed.

Action taken.

**Third Standing Labour Committee—May 1943—contd.**

3. Industrial Statistics Act (XIX of 1942)—*contd.*
- West Bengal :** Statistics regarding wages, earnings, conditions of service, etc., are being collected in a voluntary basis.
- Baroda :** The (Indian) Industrial Statistics Act, 1942, has recently been applied to the Baroda State.
- Indore :** The Industrial Statistics Act of 1947 was passed on 6th November 1947 and it is expected that action in regard to collection of statistics will be taken by the officer concerned.
- Travancore :** Steps have already been taken for implementing the Travancore Industrial Statistics Act which is on the same lines as the Indian Industrial Statistics Act. The Labour Commissioner has been appointed as the Statistics Authority under the Act. The Rules to be framed under the Act are being printed for publication in the Government Gazette. The proposals for the appointment of the technical staff under the Statistics Authority are under the consideration of the Government.
- Ajmer-Merwara :** Returns of statistics of wages and earnings were called for on voluntary basis, but the occupiers of factories did not respond favourably. Central Government are considering proposals to collect such statistics. When a final decision is reached such statistics will also be collected here.
- Coorg :** The returns under the Industrial Statistics Act have hitherto not been collected as there were no factories coming under the Act so far. Action is now being taken after the additional industries came under the purview of the Coorg Manufacturing Industries Rules, to collect the statistics.
- Delhi :** In the absence of any statutory provision no attempt has been made in the Delhi Province for the collection of statistics of wages and earnings under the Industrial Statistics Act (XIX of 1942), as the collection of similar data in respect of industrial production on voluntary basis did not prove successful.

**Fifth Indian Labour Conference—September 1943.**

4. Social Security, Minimum Wages
- Central :** The Minimum Wages Act has just been passed by the Constituent Assembly (Legislative)
- Madras :** Legislation by the Centre is awaited. An Industrial Tribunal for the Textile Industry in the Madras Province has fixed the minimum wage of an unskilled textile worker at Rs. 26 per mensem. Separate Industrial Tribunals on a provincial basis have been appointed for motor transport, tanneries, printing presses, hosieries. These tribunals are expected to fix minimum wages and other conditions of service for these industries. A Court of Inquiry has also been appointed for the Engineering firms and type foundries in the Madras Province.
- United Provinces :** The Provincial Government have appointed an important Labour Enquiry Committee which has these matters as important items in the terms of its reference. The report of this Committee is awaited.

Subject discussed.

Action taken.

**Fifth Indian Labour Conference—September 1943—contd.**

4. Social Security, Minimum Wages—*contd.* **West Bengal :** The Act has since been passed by the Government of India and action will be taken.
- Baroda :** The question will be considered after the Indian Minimum Wages Bill is passed into an Act.
- Indore :** The question of introducing legislation on the lines of the Minimum Wages Act in existence in the Indian Dominion is under active consideration and proposals have been put up by the Labour Department for the enactment of this law.
- Travancore :** A Trade Board on the lines of the British Trade Boards Act of 1909 and 1918, has already been introduced in the Travancore Legislature. It is expected that this Bill will be passed into law as early as possible.
- Ajmer-Merwara :** The Minimum Wages Act passed by the Dominion Legislature will be enforced.
- Delhi :** As the Minimum Wages Bill has now been passed into law, the same will be enforced from the date the Government of India may advise.
5. Provision for Standing Orders on the lines of provisions in Chapter V of the Bombay Industrial Disputes Act, 1938, in large industrial concerns. **Central :** Industrial Employment (Standing Orders) Act, 1946, complies with the requirements.
- Madras :** Rules under the Industrial Employment (Standing Orders) Act, 1946, have recently been finalised by the Government of Madras. The Commissioner of Labour who is the Certifying Authority under the Act is taking steps for the certification of Standing Orders. The Industrial Tribunals in the Province have been appointed as Appellate Authorities under the Act.
- Orissa :** Rules under the Act have been framed. The Chief Inspector of Factories of the Province has been appointed as the Certifying Officer and the District Judges of Cuttack-Sambalpur, Ganjam-Puri and the Additional Sessions Judge, Koraput, have been appointed as appellate authorities in their respective jurisdictions.
- Bihar :** Since the Industrial Employment (Standing Orders) Act, 1946, which complies with the requirements, has been passed by the Central Legislature, necessary steps are being taken to certify Standing Orders framed by the industrial establishments to which the Act applies.
- United Provinces :** All establishments employing 100 or more workmen, and all the concerns which are the members of (1) the Northern India Employees' Association, Kanpur, (2) the United Provinces' Oil Millers' Association, Kanpur, (3) all the electric supply undertakings and (4) all the waterworks in the Province, irrespective of the number of workmen employed in them, are required to frame Standing Orders for their operatives under the Industrial Employment (Standing Orders) Act, 1946. The Standing Orders are being framed by different concerns and scrutinised and certified by the Labour Commissioner, United Provinces, who is also the Certifying Officer under the Act.

Subject discussed.

Action taken.

Fifth Indian Labour Conference—September 1943—*contd.*

5. Provision for Standing orders on the lines of provisions in Chapter V of the Bombay Industrial Disputes Act, 1938, in large industrial concerns—*contd.*

**West Bengal :** Industrial Employment (Standing Orders) Act is being administered.

**Baroda :** It is proposed to introduce a Bill based on the Indian Industrial Employment (Standing Orders) Act, 1946, in the next session of the State Legislature.

**Indore :** Standing Orders have been drafted by the State Labour Department, but there being no law under which they can be passed has presented some difficulty. The question whether this may be done under the Industrial Employment (Standing Orders) Act or the Industrial Relations Act is under consideration. This aspect of the question is being put up before the "Tripartite Committee" recently appointed by Government.

**Travancore :** The introduction of the Industrial Establishment Bill for framing Standing Orders by employers is under consideration of the Government.

**Ajmer-Merwara :** Industrial Employment (Standing Orders) Act, 1946, applies here and complies with the requirements.

**Coorg :** Industrial Employment (Standing Orders) Act, 1946, has been brought into force in Coorg. Standing Orders are being made by the industries in Coorg coming under the Act.

**Delhi :** Industrial Employment Act has been enforced in Delhi.

6. Model Provident Fund Rules ..

**Central :** Model rules relating to Provident Fund for industrial employees have been framed and copies have been supplied to all Provinces, Employers' and Employees' Associations, etc., for their information.

**Madras :** The model rules circulated by the Government of India have been commended to large industrial undertakings for adoption on a voluntary basis, but the response has not been satisfactory.

**Orissa :** The rules have been supplied to the Chief Inspector of Factories with the request to distribute them among the employers of establishments with a view to their adoption in them.

**Bihar :** Copies of model rules relating to Provident Fund for industrial employees supplied by the Government of India have been distributed to Employers' and Employees' Associations, etc., for their information. As far as possible employers have been and are being persuaded to adopt the model rules and some of them have adopted them.

**United Provinces :** Copies of the model rules regarding Provident Fund for industrial workers framed by the Central Government were sent to all important factories with the advice to adopt them in their own concerns. Not much headway seems apparently to have been made yet.

**West Bengal :** Copies of rules have been circulated to all chambers of commerce and attempts are being made through the Labour Directorate and partly with the help of awards of Industrial Tribunal to introduce them in industrial undertakings.

Subject discussed.

Action taken.

**Fifth Indian Labour Conference—September 1943—contd.**

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| 6. Model Provident Fund Rules—contd. | Baroda : | Model rules relating to Provident Fund for industrial employees received from the Government of India were circulated to factories in the State. Some of the industrial concerns have introduced Provident Fund schemes. |
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Travancore : No action taken.

Ajmer-Merwara : The model rules framed by the Government of India have been forwarded to the employers and they were requested to introduce the Provident Fund scheme in their establishments, but they have not yet responded favourably.

**Fourth Standing Labour Committee—January 1944.**

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| 7. Maintenance of Records of Service of Industrial Workers. | Orissa : | No action has been taken by the Provincial Government as the majority of industrial workers in the Province are of migratory and unstable nature and are illiterates. |
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West Bengal : Approximately 80 per cent. of the Jute Mills in West Bengal maintain records of services of industrial workers under their employment.

Indore : The local Textile Mills are maintaining records of their employees on a voluntary basis.

Travancore : No records of the services of industrial workers in Travancore are maintained.

Ajmer-Merwara : Such records are maintained by the factories.

Delhi : No action has been taken in the matter for want of necessary advice. Some important industrial undertakings in the Province are understood to be maintaining proper records of service of their workers.

**Fifth Standing Labour Committee—June 1944.**

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| 8. The Indian Trade Unions (Amendment) Bill, 1943. | Central : | The Indian Trade Unions (Amendment) Act, 1947, provides for statutory recognition of trade unions. |
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Madras : The question of setting up labour courts and framing regulations under the Indian Trade Unions (Amendment) Act, 1947, is under consideration.

Orissa : Rules are being framed under the Indian Trade Unions (Amendment) Act.

United Provinces : The Bill has just been passed into an Act. Necessary effect will be given to the provisions contained in it.

West Bengal : Steps are being taken to provide for machinery for administration of Trade Unions (Amendment) Act, 1947, as soon as it comes into force.

Baroda : It is proposed to introduce similar legislation.



Subject discussed.

Action taken.

**Fifth Standing Labour Committee—June 1944—contd.**

8. The Indian Trade Unions (Amendment) Bill, 1943—*contd.*
- Indore :** The Indore Trade Unions Act of 1939 has been amended by the Amendment Act of 1946 so as to include the provisions for the registration and recognition of Trade Unions.
- Travancore :** Amendment of the Trade Unions Act is under consideration of the Government.
- Ajmer-Merwara :** The Indian Trade Unions (Amendment) Act, 1947, applies here.
- Coorg :** The Indian Trade Unions (Amendment) Act, 1947, is applicable to Coorg. Action is being taken to establish a Labour Court for Coorg.
- Delhi :** Necessary action regarding the recognition of Trade Unions under the provisions of the Act will be taken soon after the Act comes into force.
9. Draft Rules under the Industrial Statistics Act, 1942, for collection of statistics of trade disputes.
- Central :** Statistics are still being collected on a voluntary basis.
- Bihar :** Statistics are still being collected on a voluntary basis.
- United Provinces :** These are being collected in the United Provinces on a voluntary basis at present.
- West Bengal :** Statistics are being collected on a voluntary basis.
- Indore :** Rules have not been framed yet, but statistics are being collected on a voluntary basis.
- Travancore :** The rules are being printed for public action in the Government Gazette.
- Ajmer-Merwara :** Statistics are being collected on voluntary basis.
- Coorg :** Rules have been framed for the collection of statistics of trade disputes in Coorg under the Act. So far however no trade disputes have occurred in Coorg.
- Delhi :** Statistics are still being collected on voluntary basis in Delhi.

**Sixth Standing Labour Committee—March 1945.**

10. Report on Health Insurance for industrial workers.
- Central :** The Workmen's State Insurance Bill which implements the scheme has been considered by a Select Committee of the Legislature and is expected to come up before the current session of the Constituent Assembly (Legislative).
- Madras :** Legislation by the Centre is awaited.
- West Bengal :** Legislation is being awaited.
- Baroda :** The question will be considered after the Indian Workmen's State Insurance Bill is passed into an Act.
- Indore :** The Labour Department has drafted a Bill on the lines of Workmen's State Insurance Bill of 1946 of Government of India and the matter is still under consideration.

Subject discussed.

Action taken.

**Sixth Standing Labour Committee—March 1945—contd.**

10. Report on Health Insurance for industrial workers—*contd.* **Travancore :** The principle embodied in the Indian Workmen's State Insurance Bill has been accepted by this Government. The question of introducing necessary legislation in the State to suit local conditions is also engaging the attention of this Government.
- Ajmer-Merwara :** Action will be taken when the Workmen's State Insurance Bill is passed into Act.
11. Industrial Housing and the Responsibility of the Employer in connection therewith. **Central :** The question of levying an excise duty on industrial output for financing comprehensive schemes of industrial housing is now under consideration of the Economic Sub-Committee of the Cabinet.
- Madras :** The directions of the Central Government regarding financing of comprehensive schemes of industrial housing are awaited. The managements of large industrial establishments have been advised to take up schemes of industrial housing and to apply for financial assistance from the Provincial Government and the Central Government ; but the response has not been satisfactory.
- Bihar :** Government have appointed a Special Officer to tackle the problem of industrial housing and a certain amount of progress has been made by him.
- United Provinces :** Nearly 2,400 quarters have been built by the Development Board, Kanpur. The establishment of a Housing Board and the enactment of a housing legislation for carrying out an elaborate scheme for construction of 100,000 houses in a period of 10 years, is under consideration. This legislation will also deal with the question of responsibility of the employers in the matter.
- Baroda :** Government encourage every new industry to provide housing for at least a part of their labour force. Government have earmarked "Labour area" while fixing industrial zones. The Government also encourage Labourers' Co-operative Housing Societies and render all possible help to them.
- Indore :** The Millowners have set aside a sum of Rs. 35 lakhs out of their profits which are being utilised for the construction of tenements for textile labour in accordance with the plans and specifications approved by Government. His Highness the Maharaja has graciously donated a sum of Rs. 1 lakh from his privy purse and His Highness's Government have also decided to spend about Rs. 3 lakhs on the lay-out of the scheme, road construction, etc.
- Travancore :** In this State, industrial labour is largely drawn from the neighbourhood of factories where they are employed, and so, they attend to their factory work living in their own homes. The problem of agricultural labour flowing from their district homes to industrial centres and consequently the problem of housing have not assumed serious proportions here. This Government, therefore, have not yet taken in hand any housing scheme for industrial labour.
- Ajmer-Merwara :** Housing facilities are provided but they are not up to the standard and steps are being taken to persuade the employers to improve them.



Subject discussed.

Action taken:

**Eighth Standing Labour Committee—March 1946—contd.****12. Possibilities of Welfare Trust Funds for Industrial Employees—contd.**

**Bombay:** The employers addressed by the Provincial Government pointed out that many industrial establishments have, during recent years, undertaken a good deal of welfare work and in some cases welfare funds have already been built up from profits, unclaimed wages, fines, etc. The Employers' Federation of India are of the opinion that want of finance, inadequate accommodation, lack of response from workers (who are more keen on cash benefits than ameliorative measures) and fluctuating nature of employment in seasonal industries, are some of the difficulties in setting up the funds.

The Provincial Government think that the question of charging the industry by levy of a cess for welfare measures without discouraging the expansion of industry will need careful consideration.

**Indore :** Proposals for starting two Labour Welfare Centres and the necessary funds for the same have been submitted by the Labour Department.

**Travancore :** No action has been taken in Travancore State.

**Ajmer-Merwara :** Though it has been universally recognised that welfare measures such as starting of Welfare Trust Fund serve to promote the productive efficiency of the workers, employers in Ajmer-Merwara are rather stringent in this respect and do not take any action to promote the welfare of the workers unless compelled by law.

**Delhi :** Excepting Delhi Cloth and General Mills no other industrial concern has set up any regular Welfare Trust Fund for its employees. As very few employers have so far shown any concern for their workers, it is doubtful if the welfare funds will be started by employers on voluntary basis. Hence legislation on this subject appears to be necessary.

**13. Central legislation for unregulated factories.**

**Central :** The Bill referred to in item 17 below covers such unregulated establishments which employ 10 or more persons and use power and employ 20 or more persons without using power.

**Madras :** The Provincial Legislature has passed the Madras Non-Power Factory Act regulating the conditions of service in unregulated establishments and the assent of the Governor-General is awaited.

**United Provinces :** The United Provinces Government have already made use of section 5(1) of the Indian Factories Act to bring a number of classes of small concerns within the purview of the Act, and have also extended the provisions of the Payment of Wages Act to these small concerns. Some of them are automatically covered by the newly enforced United Provinces Shops and Commercial Establishments Act, 1947.

**Baroda :** The question will be considered after the new Factories Bill is passed into an Act by the Central Legislature.

Subject discussed.

Action taken.

**Eighth Standing Labour Committee—March 1946—contd.**

13. Central legislation for unregulated factories—*contd.* **Travancore :** So far no regulation has been introduced in Travancore to regulate conditions of employment in unregulated factories. The working conditions in these factories cannot be considered to be satisfactory. The need for legislation covering such factories has already been realised by this Government. This the Government have already brought under the Factories Act, by notification under section 5(1) of the Factories Act, all factories without power machinery employing twenty or more persons, during any part of the year, in the coir, cashewnut and the palmyrah fibre industries. Nearly 300 more factories have been thus brought under the Factories Act.
- Ajmer-Merwara :** When the revised Factories Bill (item 17 below) takes the form of an Act, action will be taken.
- Goorg :** The new Factories Act which is being circulated for eliciting public opinion covers such unregulated factories.
- Delhi :** The Bill to consolidate and amend law regulating labour in factories will cover such unregulated establishments which employ 10 or more persons without using power.
14. The Mine Workers' Charter as proposed by the Coal Mines Committee of the I. L. O. **Central :** The Indian Mines Act is being revised and the proposals were discussed at the first meeting of the Industrial Committee on Coal Mining held at Dhanbad.
- Madras :** There are no coal mines in the Madras Province.
- Baroda :** (There are no mines in the State.)
- Indore :** (There are no mines in the State.)
- Travancore :** No action has been taken in the State.
- Ajmer-Merwara :** (There are no coal mines in Ajmer-Merwara.)

**Ninth Standing Labour Committee—July 1946.**

15. Regulation of conditions of employment, etc., in Business Houses and Commercial Undertakings in Urban Area. **Madras :** The Madras Shops and Establishments Act passed by the Provincial Legislature has recently received the assent of the Governor-General. The Act will be brought into force shortly.
- Orissa :** No action has been taken by the Provincial Government in this respect as the very few Commercial establishments in this Province are run by owners and members of their families. The Weekly Holidays Act has been enforced in this Province only recently. Besides, the Industrial Employment Standing Orders Act, 1946, has already been passed which provides for condition of service to be made by Standing Orders approved by the Certifying Officer.
- United Provinces :** This has been done by the newly enforced United Provinces Shops and Commercial Establishments Act, 1947.
- West Bengal :** Disputes relating to all the Mercantile firms affiliated to Bengal Chamber of Commerce have been referred to an Industrial Tribunal by an order under the Industrial Disputes Act. Its award is expected to help regulations of conditions of employment there.

Subject discussed.

Action taken.

Ninth Standing Labour Committee—July 1946—*contd.*

15. Regulation of conditions of employment, etc., in Business Houses and Commercial Undertakings in Urban Area—*contd.*
- Baroda :** The Shops and Establishments Act has recently been brought into force. At present it has been applied to the Baroda city only.
- Indore :** There is a Shops and Establishments Act to govern the conditions and working hours of the employees in Commercial and Business Organisations in Indore.
- Travancore :** No action has been taken in the State.
- Ajmer-Merwara :** Regulations of conditions of employment and hours of work in business houses and commercial undertakings in the cities is necessary but in the absence of any statutory provisions no action can be taken.
- Delhi :** The Punjab Trade Employees Act has been enforced in Delhi Province. This Act regulates conditions of employment in business and commercial undertakings in Delhi city.
16. Revision of the Indian Factories Act, 1934.
- Central :** The Bill to consolidate and amend the law regulating labour in factories was introduced in the Dominion Assembly on the 3rd December 1947 and has since been circulated by executive orders for eliciting public opinion thereon.
- Madras :** The revised Factories Bill received from the Government of India was published for eliciting public opinion and the opinions received are being examined.
- Baroda :** The question will be considered after the new Factories Bill is passed into Act by the Central Legislature.
- Indore :** A Bill to consolidate and amend the law regulating labour in factories was introduced in the Legislative Council and subsequently published in the Government Gazette for eliciting public opinion. The Bill is based on the up-to-date legislation existing in Indian Dominion.
- Travancore :** A Bill has been introduced in the Legislature of Travancore to amend the Travancore Factories Act providing for reduction of hours of work and holidays with pay so as to bring the Act as on the same lines of the amended Act in India.
- Ajmer-Merwara :** Action will be taken when the Bill is passed into law.
- Coorg :** The new Factories Act is being circulated for eliciting public opinions.
- Delhi :** The Provincial Government will take necessary action in the matter after the Bill is passed into a law and comes into force.
17. Holidays with Pay Act—Desirability of provision for paid holidays to workers in mines, unregulated factories, plantations, seamen, dock labour, local board employees, etc.
- Central :** Workers of those unregulated factories which will come under the revised Factories Act will be entitled to holidays with pay in accordance with the provision therein.
- Holidays with pay are being allowed to workers in Coal Mines under the Award of the Conciliation Board. It is not proposed to make a provision in this regard in the Indian Mines Act.

Subject discussed.

Action taken.

**Ninth Standing Labour Committee—July 1946—contd.**

17. **Holidays with Pay Act**—Desirability of provision for paid holidays to workers in mines, unregulated factories, plantations, seamen, dock labour, local board employees, etc.—*contd.*
- Madras :** In the Madras Shops and Establishments Act and the Madras Non-Power Factories Act provision has been made for the grant of 12 days privilege leave, 12 days casual and 12 days sick leave.
- United Provinces :** This is being complied with by the factories in the Province for their concerns to which the Factories Act does not apply, a beginning has been made in some of the urban areas by application to them of the United Provinces Shops and Commercial Establishments Act, 1947.
- Baroda :** A Bill to amend the Factories Act so as to provide for holidays with pay to workers in factories is before the State Legislature and it has passed the Select Committee stage. It is hoped that the Bill will soon pass into an Act. There are no mines in Baroda. The question of unregulated factories will be considered when the new Factories Bill is passed into an Act by the Central Legislature.
- Indore :** The Government, by a special order, sanctioned the provision for holidays with pay to the textile workers. The provision will duly be incorporated in the revised Factories Act. This does not cover the various occupations referred to in the question as they do not exist here.
- Travancore :** No action has been taken in Travancore State.
- Ajmer-Merwara :** Workers of those unregulated factories which will come under the revised Factories Act will be entitled to holidays with pay in accordance with provision therein.
- Coorg :** The new Factories Act is being circulated for eliciting public opinion. In many of the plantations in Coorg the owners have declared holidays with pay in accordance with Factories Act under the Industrial Employment (Standing Orders) Act, 1945.
- Delhi :** Workers of those unregulated factories which will come under the revised factories Act, will be entitled to holidays with pay in accordance with the provision therein. Under the Punjab Trade Employees Act, which has been enforced in Delhi Province, shop assistants and commercial establishments' employees have been made entitled to 14 days annual leave with pay.
18. **Revision of the Employment of Children Act, 1939,**
- Central :** A provision to enhance the age of employment of children in factories from 12 years to 13 years has already been made in the Bill to consolidate and amend the law regulating labour in factories. The Bill has already been introduced in the Constituent Assembly of India (Legislative).
- Madras :** In the two Madras Acts, *viz.*, the Madras Shops and Establishments Act and the Madras Non-Power Factories Act, the age of employment of children has been fixed at 14 years.

Subject discussed.

Action taken.

**Ninth Standing Labour Committee—July 1946—contd.**

18. Revision of the Employment of Children Act, 1939—*contd.* **Baroda :** The question will be considered after the new Factories Bill is passed into an Act by the Central Legislature.
- Travancore :** No action has been taken in Travancore State.
- Ajmer-Merwara :** Action will be taken when enactment on this matter is passed by the Central Government.
- Coorg :** The new Factories Act which is being circulated for eliciting public opinion covers employment of children.
- Delhi :** The Provincial Government will take necessary action after the Bill is made into a law and the same comes in force.
19. Revision of the Mines Act, 1923 **Central :** The proposed amendments have been examined and referred to the Mining Employers' and Workers' Associations for comments by 15th February 1948. The amendments have also been discussed in the Industrial Committee on Coal Mining.
- Baroda :** (There are no mines in the State.)
- Indore :** (There is no Mines Act in force here.)
- Travancore :** No action taken in this State.
- Ajmer-Merwara :** Action will be taken when enactment on these matters is passed by the Central Government.

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*Note.* (1)—**East Punjab :** All records having been left in West Punjab, it is regretted that it is not possible to ascertain what steps were taken to implement the suggestions made by the Indian Labour Conference and the Standing Labour Committee on various occasions.

(2) **Panth Piploda :** As there are no industries in Panth-Piploda required information is nil.



## APPENDIX IV(ii).

*Item IV—(Supplement covering information record up to 6th April 1948.)*

**Statement showing action taken on the decisions arrived at the Indian Labour Conference and the standing Labour Committee.**

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Subject discussed.

Action taken.

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**First Standing Labour Committee—November-December 1942.**

1. War time legislation affecting Labour : Tripartite Collaboration machinery in Provinces. **Assam :** A Tripartite Conference on plantations was held in December 1946 just before the Central Tripartite Conference was held. It is proposed to have a permanent Tripartite machinery concerning all the industries.

**Central Provinces and Berar :** Tripartite Provincial Labour Advisory Committee has been set up recently. All the old war time legislation have lapsed, but certain provisions of this have been incorporated in the Central Provinces and Berar Public Safety Act, 1947.

**Mysore :** The following war time legislations were introduced :—

- (i) "The Industrial Disputes Settlement and Arbitration Rules, 1941", object being to prevent work being interrupted by industrial disputes.
- (ii) "The Essential Services (Maintenance) Act, 1942", object being to prevent dislocation of services essential to the successful prosecution of the war, public safety or maintenance of public order, services or supplies necessary to the life of the community.

**Third Standing Labour Committee—May 1943.**

2. "Fair Wage" clause in Government contracts. **Assam :** It appears from the report of the Public Works Department that a similar clause has been introduced in the Public Works Department contract forms.

**Bombay :** Clause 42(1) of the Tender Form B-2 of the Public Works Department of this Government provides that the contractor shall pay fair and reasonable wages to the workmen employed by him in the contract undertaken by him.

**Central Provinces and Berar :** The clause has been introduced in the Public Works Department and similar contracts of the Provincial Government.

**Gwalior :** Under contemplation.

**Mysore :** Under active consideration.

3. Industrial Statistics Act (XIX of 1942). **Assam :** A Statistics Bureau has been formed with a Director of Statistics who has also been declared the Statistics Authority under the Industrial Statistics Act.

**Bombay :** No action taken so far. Information being collected on voluntary basis.

**Central Provinces and Berar :** Statistics under clause 3(1) of the Act are being statutorily collected.

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Subject discussed.

Action taken.

**Third Standing Labour Committee—May 1943—contd.**

3. Industrial Statistics Act (XIX of 1942)—*contd.* **Gwalior** : Act has been passed by the State Legislature.

**Mysore** : Under the Mysore Industrial Statistics Act, 1943, as regards clause 3(1)(a) relating to factories, the Director of Industries and Commerce is the Statistical Authority who is responsible for the collection of statistics in question. Regarding clause 3(1)(b), statistics are being collected on voluntary basis with reference to some of the items mentioned therein, and it is seen that the voluntary method is inadequate here also.

**Fifth Indian Labour Conference—September 1943.**

4. Social Security, Minimum Wages **Bombay** : The Minimum Wages Bill has since been passed by the Central Legislative Assembly. Proposals for staff, etc., for enforcement of the provisions of the Minimum Wages Act are under active consideration of this Government.

**Central Provinces and Berar** : A sub committee under the Provincial Labour Advisory Committee has been formed to consider and provide machinery for fixation of minimum wages in different industries. The question of minimum wages in Textile Industry is under reference to adjudication.

**Gwalior** : The Department of Law and Justice has been requested to draft out a Bill. A committee has been set up by Government to enquire and report on the question of standardisation of wages and fixation of minimum living wage in the Textile Industry.

**Mysore** : The enactment of a Minimum Wages Bill is under consideration.

5. Provision for Standing Orders on the lines of provisions in Chapter V of the Bombay Industrial Disputes Act, 1938, in large industrial concerns. **Assam** : Rules under the Standing Orders Act have been finalised.

**Bombay** : Rules are being drafted for carrying out the purposes of the Industrial Employment (Standing Orders) Act in the Province. Model Standing Orders are also being framed for the guidance of employers.

Draft Standing Orders which have been received by the Labour Commissioner, Bombay, from the employers concerned are being scrutinised.

**Central Provinces and Berar** : Provisions have been made in the Central Provinces and Berar Industrial Disputes Settlement Act, 1947, which has come into force.

**Gwalior** : The Department of Law and Justice has been moved to draft out a Bill of the Industrial Employment (Standing Orders) Act.

**Mysore** : Section of the Mysore Labour Act, 1942, provides for the compulsory maintenance of Standing Orders regulating the relations between the employers and employees.

6. Model Provident Fund Rules **Central Provinces and Berar** : The question of compulsory Provident Fund is under consideration by the Industrial Tribunal appointed by the Government. The sub-committee of the Provincial Labour Advisory Committee is also required to examine the possibility of introducing the Provident Fund in different types of industrial establishments and frame model rules for the same.

Subject discussed.

Action taken.

**Fifth Indian Labour Conference—September 1943—contd.**

6. Model Provident Fund Rules— **Gwalior** : The rules are being scrutinised and views of industrialists have been invited.

**Mysore** : Provident Fund Rules are in force in Government industrial concerns.

**Fourth Standing Labour Committee—January 1944.**

7. Maintenance of Records of Service of Industrial Workers. **Central Provinces and Berar** : Standardisation of musters has been considered in the textile industry by the Industrial Tribunal set up by the Government.

**Gwalior** : Nothing has been done so far.

**Mysore** : Section 41 of the Mysore Factories Act provides for the maintenance at every factory of a Register of Adult Workers or Muster Roll in which the details of each worker and type of the work he is engaged in are entered. This can be expanded to embrace such other topics as may be suggested by the Centre.

**Fifth Standing Labour Committee—June 1944.**

8. The Indian Trade Unions (Amendment) Bill, 1943. **Assam** : Labour Courts are being formed for hearing disputes regarding non-recognition of unions.

**Central Provinces and Berar** : The Central Government Act has not yet come into force in the Province.

**Gwalior** : The State Trade Unions Act has been amended accordingly.

**Mysore** : Although there are no Trade Unions in the State, section 2 of the Mysore Labour Act recognises the right of employees in an industrial undertaking to combine into an association.

9. Draft Rules under the Industrial Statistics Act, 1942, for collection of Statistics of Trade Disputes. **Bombay** : No rules have been framed as the collection of statistics on voluntary basis has been found to be unsuccessful. In case of difficulty in collection steps will be taken to frame rules under the Act.

**Central Provinces and Berar** : Statistics are being collected on voluntary basis.

**Gwalior** : Nothing has been done so far.

**Mysore** : As in item 3 above.

**Sixth Standing Labour Committee—March 1945.**

10. Report on Health Insurance for Industrial Workers. **Bombay** : An officer on special duty was appointed to make a survey of the existing facilities available at the Government hospitals and dispensaries in the Province to enable Government to implement the Health Insurance Scheme as soon as the Workmen's State Insurance Bill is passed into law. The report of the officer on Special Duty is being considered by Government.

**Central Provinces and Berar** : Central legislation is being awaited.

**Gwalior** : Steps have been taken to cover the scheme in the draft Workmen's State Insurance Bill.

**Mysore** : A Bill for the enactment of Workmen's State Insurance is being considered by Government.

Subject discussed.

Action taken.

Sixth Standing Labour Committee—March 1945—*contd.*

11. Industrial Housing and the Responsibility of the Employer in connection therewith.
- Assam :** An Industrial Labour Housing Committee has been formed for providing lands for labour colonies at the cost of the employers.
- Bombay :** The five-year programme of the Government includes housing accommodation for low income group people. The programme has been confined to the provision of housing accommodation in the Industrial Towns of Bombay, Ahmedabad, Sholapur, Poona and Hubli. It is proposed to charge rent at a rate equivalent to 12½ per cent. of the occupant's earnings irrespective of the economic rent of the accommodation provided.
- Central Provinces and Berar :** Sub-Committee of the Provincial Labour Advisory Committee has been formed to examine this question and formulate plans for industrial housing and to devise means to obtain necessary funds.
- Gwalior :** A Committee has been set up to enquire and report in the matter.
- Mysore :** The Committee of Industries and Commerce have set up a sub-committee to study the question in all its aspects.

## Eighth Standing Labour Committee—March 1946.

12. Possibilities of Welfare Trust Funds for Industrial Employees.
- Bombay :** The question of legislation for setting welfare funds will be taken up when the views of the employers who have been requested to communicate their views are received. In some undertakings Welfare Trust Funds are already existing.
- Central Provinces and Berar :** Sub-Committee has been formed by the Provincial Labour Advisory Committee to examine the question.
- Gwalior :** No concrete steps have so far been taken, unpaid wages are being utilised for welfare of workers.
- Mysore :** The decision of the Government of India in this behalf awaited.
13. Central legislation for unregulated factories.
- Bombay :** The Government has collected statistics of unregulated factories employing 10 or more workers in the Province. This will facilitate the working of the Factories Act when amended.
- Central Provinces and Berar :** Provincial legislation is already in existence for unregulated factories applicable to *bidi* and shellac factories.
- Mysore :** Section 5 of the Mysore Factories Act empowers Government to declare at its discretion any premises to be a factory and when this is done, the benefits bestowed by the Act are automatically extended to embrace all workers employed within the premises so declared.
14. The Mine Workers' Charter as proposed by the Coal Mines Committee of the I. L. O.
- \* \* \* \* \*

Subject discussed.

Action taken.

## Ninth Standing Labour Committee—July 1946.

15. Regulation of conditions of employment, etc., in Business Houses and Commercial Undertakings in Urban Area.
- Assam :** Standing Order Act is proposed to be enforced in these Industrial concerns.
- Bombay :** The Bombay Shops and Establishments Act, 1939, provides for regulations of conditions, hours of work, etc. A Committee was appointed by the Government to report on the working of the Act, study administrative difficulties occurred, if any, and make recommendations. The report of the Committee together with a draft Bill is under consideration of the Government.
- Central Provinces and Berar :** Central Provinces and Berar Shops and Establishments Act has come into force from 30th May, 1947.
- Gwalior :** Law Department has been requested to draft a Bill of alike matters.
- Mysore :** A Bill to provide for the regulation of conditions of work in shops, commercial establishments, restaurants, theatres and other establishments and for certain other purposes has been passed by the Legislative Council this year and it has become law.
16. Revision of the Indian Factories Act, 1934.
- Bombay :** The Factories Bill is being circulated for public opinion. The Bill will be considered after 1st March, 1948.
- Gwalior :** The Factories Act, Gwalior State, has recently been revised, amended and enforced.
- Mysore :** The following three amendments to the Mysore Factories Act, 1931, were made :—
- (1) Reduction of working hours.
  - (2) The compulsory maintenance of canteen in every industrial concern employing 100 or more persons. [The Mysore Factories (First Amendment) Act, 1948.]
  - (3) The grant of holidays with pay for factory workers. [The Mysore Factories (First Amendment) Act, 1948.]
17. Holidays with pay Act—Desirability of provision for paid holidays to workers in mines, unregulated factories, plantations, seamen, dock labour, local board employees, etc.
- Assam :** All employers are being persuaded to follow the provision of the Factories Act regarding holidays.
- Central Provinces and Berar :** Holidays with pay have been provided in the Central Provinces and Berar Shops and Establishments Act, 1947, but the same does not cover the specific workers referred to Central Legislation would be desirable for those workers.
- Gwalior :** Under consideration.
- Mysore :** Note against question 13 may be seen. The Mysore Factories (First Amendment) Act, 1948, which provides for the grant of holidays with pay, may extend in its scope to premises declared as factories. The Mines Act apply to the Gold and other Mining Industries in the State. But there is no registration in the State for the grant of holidays with pay to workers of other categories.

Subject discussed.

Action taken.

**Ninth Standing Labour Committee—July 1946—contd.**

18. Revision of the Employment of Children Act, 1939. **Bombay :** The Factories Bill is under circulation and will be considered by 1st March, 1948.
- Mysore :** In Mysore under the Factories Legislation, the minimum age for employment of children continues to be 12. This may be raised to 13 as proposed by the Centre.
19. Revision of the Mines Act, 1923 **Mysore :** The Mysore Mines Regulations, 1906, applies to the State.
- Coal mining does not apply to Mysore.

## APPENDIX V(i).

*Item V(A) (a) (i).*—Replies and Comments of the Government of India to the I.L.O. questionnaires and reports on Fair Wages clause in public contracts.

## I.—FORM OF THE INTERNATIONAL REGULATIONS.

*Question.*—(1) Do you consider that the International Labour Conference should adopt international regulations concerning labour clauses in public contracts and that these regulations should take the form of a Convention?

*Answer.*—Yes.

*Question.*—(2) (a) Do you consider it desirable to supplement the proposed Convention with one or more recommendations on the subject?

*Answer.*—Yes.

*Question.*—(2) (b) If so, which of the following points should, in your opinion, be excluded from the Convention and included in a recommendation?

*Answer.*—The points which should be excluded from the Convention and included in a recommendation are set out in the answers to the relevant questions.

## II.—SCOPE OF REGULATIONS.

*Question.*—(3) Do you consider that the international regulations should apply to public contracts for—

- (i) the construction, alteration, repair or demolition of public works;
- (ii) the manufacture, assembling, handling or shipment of materials, supplies and equipment; and
- (iii) the performance or supply of services?

*Answer.*—(3) (i) Yes.

(ii) No.

There are considerable difficulties in including the "Fair Wage Clause" in Government contracts for—

(a) the manufacture, assembling, handling or shipment of materials, supplies and equipment, and

(b) the performance or supply of services, even if, as it should be, the international regulations are applied only to contracts of a prescribed value and above. In many cases Government offtake may constitute only a small part of the output of the industrial undertaking. It is difficult to isolate the workers employed on Government contracts. Where the unit also produces for stocks, it may not be possible to say when the goods delivered to Government are manufactured. Even if the workers employed on Government contracts can be isolated, it is clearly impossible to apply to them the higher wage rates referred to in the "Fair Wage Clause," while leaving other workers employed on identical jobs to work at lower wage rates. Indeed this difficulty has been recognised in the questionnaire itself, *vide* question 9(ii). The "Fair Wage Clause" rates should be applied, if at all, to all workers and throughout the year, and not merely when Government contracts are executed. If the object of

the proposed regulations is to secure the payment of fair wage rates over a wide field, the question arises whether it would not be more satisfactory to tackle the problem in a direct manner. The movement now is towards the standardization of wage rates throughout the country or a well defined region. This may be secured either by collective agreements where employers and workers are well organised or by arbitral awards or by promoting legislation for the creation of Wage Boards with power to fix fair wages. The "Fair Wage Clause" was principally designed to see that the system of competitive tenders employed in awarding public contracts does not have the effect of cutting down wage rates. In use the "Fair Wage Clause" for the wider purpose of *directly* spreading fair wage rates and improving general labour conditions may prove difficult and even impracticable. The Government of India, therefore, feel that this problem should be faced directly. Where organisations representative of substantial proportions of the employers and workers in the trade or industry in the district or region exist, they should be encouraged to conclude, by mutual negotiation, fair wage agreements. These agreements can be, as has been done in some countries, made applicable to all the workers in the trade or industry in the district. Where important sections of industry have been or are being brought within the sphere of State ownership, fair wage rates may be fixed by negotiation between workers' organisations and the public corporations managing the socialised industry or where representative and responsible organisations do not exist, by the management after consultation with such organisations of workers as exist and with the approval of the State. Where the machinery of collective bargaining does not exist, then legislation should be promoted for the creation of Wage Boards with power to fix fair wages. In India legislation is being promoted for the fixation of minimum wages in occupations where labour is unorganised and weak. This legislation also gives power to the appropriate Government to fix the normal hours of work, overtime rates and to provide for weekly rest periods. Government of India have also under consideration the question of promoting legislation for the establishment of Wage Boards with power to fix fair wages in what may be called organised industries. This, they consider, will be a more effective and satisfactory way of achieving the objectives which this enquiry has in view.

The position in regard to contracts for the construction, alteration, repair or demolition of public works is different from other contracts. These contracts are executed by distinct groups of workers who are employed wholtime on work covered by contracts. It is desirable that Government should act as a good employer and take such measures as may be necessary to secure to the workers employed on such contracts, fair wage rates, especially in the building industry where workers are not organised or in a position to secure by their own efforts, fair wage rates. It would also be easy to enforce the regulations by a system of inspection, if they cover a restrict field.

Question 18 visualises the creation of an enforcement machinery. This is very necessary, if the regulations are to be satisfactorily enforced. At the same time, the question arises whether if the terms of the regulations are so drafted as to cover a very wide field, it would be possible to organise a satisfactory system of inspection without involving a disproportionate amount of expenditure from public funds and without the inspections resulting in unnecessary pin-pricks or harassment to contractors. Whatever may be the condition in economically developed countries, Government of India consider that it would be almost impossible to arrange for a proper system of inspection in countries which are not



fully developed, if the regulations are to cover the very wide field indicated in Question No. 3. They would, therefore, suggest that if it should be ultimately decided that the regulations should cover the wide field suggested by question 3(ii) and (iii), there should be two or more Conventions covering this field, for example, one governing public contracts for the construction, alteration, repair or demolition of public works, another applying to public contracts for the manufacture, assembling, handling or shipment of materials, supplies and equipment, and a third covering contracts for the performance or supply of services. This would make it possible for the countries to ratify one or more Conventions depending upon the state of development reached and on their ability to secure a proper enforcement of the conditions set out in the regulations.

*Question.*—(4) (i) and (ii) Do you consider that, for purposes of the international regulations, a “public contract” should be defined as a contract—

- (i) in which at least one of the parties is a public authority; and
- (ii) the execution of which involves the expenditure of public funds and the employment of workers?

*Answer.*—Yes.

*Question.*—(5) Do you consider that the international regulations should apply to work done by—

- (i) contractors; and
- (ii) sub-contractors or assignees of contracts?

*Answer.*—(5) (i) Yes.

(ii) It would be desirable to bring sub-contractors and assignees of contracts within employing labour within the scope of the regulations, provided the regulations are applied only to public works. It would be administratively difficult to include sub-contractors or assignees of contracts if works other than public works are brought within the purview of the regulations.

*Question.*—(6) Do you consider that the international regulations should apply to contracts entered into—

- (i) by authorities of the Central Government; and
- (ii) by local authorities?

*Answer.*—(6) (i) In many countries the constitutional structure is federal. All contracts entered into by a Government, whether Central or Provincial, Federal or State, as the case may be, should be subjected to the international regulations.

(ii) It would be desirable, but this should be left to be covered by a Recommendation.

In many countries, especially in Asia, the local authorities are numerous and scattered; the nature of their duties is also varied and, in some cases, complicated. But the expenditure incurred by local authorities is limited, the bulk of the expenditure being borne by the Central or Provincial Government. It would, therefore, be appropriate for the present to limit the scope of the Convention to contracts entered into by a Government, Central or Provincial, and leave contracts entered into by “local authorities” to be covered by a Recommendation.

*Question.*—(7) (a) Do you consider that contracts involving the expenditure of public funds below a limit fixed by national laws or regulations should be permitted to be exempted from the international regulations?

(b) Are there any other exemptions which you consider should be provided for?

*Answer.*—(7) (a) and (b) The regulations should make provision for exemption, from their scope, of contracts—

- (a) involving the expenditure of public funds below a limit fixed by national laws and regulations,
- (b) in respect of which a smaller number of workers than that prescribed by national laws or regulations are employed,
- (c) which are completed in a period less than that prescribed by national laws and regulations, and
- (d) contracts which are awarded or executed under abnormal conditions, and where the primary motive is not the execution of the work so much as the provision of relief or of training opportunities or of finding work to people not used normally to work, with a view of their learning some useful trade and settling down as useful citizens of the community.

It would also be necessary to provide for the suspension of the regulation in times of national emergency, if such a course is demanded by national interests.

It will be difficult to apply the regulations to all contracts. If they are effectively enforced in respect of the big and worthwhile contracts, the bulk of the workers would have received protection. The pervasive influence of the application of the regulations in respect of the bigger contracts will secure for all other workers the same wage rates, even without their being made formally subject to the regulations. Where the contracts are executed very quickly it may be difficult to secure their effective enforcement. These cases will also be special, and should, if necessary, be kept outside the purview of the regulations.

In India Government have recognised the necessity for executing public works in areas stricken by famine with a view to affording employment opportunities to people left without work. Such works are executed under exceptional circumstances and cannot be made subject to the international regulations of the type in discussion for various reasons. For example, workers in famine stricken areas are not in a condition where they can do a normal day's job judged by the standard applicable to normal workers. For these reasons famine relief work should be exempted from the scope of the regulations.

It is also necessary that contracts where the primary objective is not the performance of service, but the provision of training opportunities either to young persons or adults or of work to people addicted to criminal habits, with a view to their becoming useful citizens of the community, should be excluded from the regulations.

*Question.*—(8) Do you consider that the international regulations should apply to arrangements analogous to public contracts whereby, as a measure of public policy, economic benefits are extended to private employers by such means as the granting of subsidies or of licences to operate a public utility, the approval of a tariff or table of rates, or the fixing of a minimum price schedule?

*Answer.*—(8) It would be desirable to apply, wherever possible, international regulations to arrangements whereby economic benefits are extended to private employers. As, however, conditions vary considerably from case to case, national authorities should be given discretion to exempt cases, where they are satisfied that the international regulations cannot be applied. In other words, the only obligation of the national authorities should be to consider this question at the time of extending the economic benefits, the actual application, including the extent of application, being left to be adjusted to the circumstances of the case. This may be left to be covered by a Recommendation.

*Question.*—(9) Do you consider that the international regulations should apply—

- (i) to workers employed directly in the execution of a contract; or
- (ii) to all workers employed in an undertaking or establishment which is engaged in the execution of a contract?

*Answer.*—(9)(i) and (ii).—If the application of the regulations is limited to contracts for public works, the regulations should apply only to workers employed directly in the execution of the contracts concerned. If on the other hand, a wider field is to be covered, then the regulations should inevitably apply to all workers, employed in the undertaking or the establishment engaged in the execution of the public contract, for reasons already explained in the answer to Question No. 3.

*Question.*—(10). Do you consider that exceptions should be provided for in the international regulations for any particular classes of workers, and if so, which classes?

*Answer.*—(10) Yes. For example, to meet cases of partially disabled workers who are unable to give a full outturn of work.

### III.—BASIC STANDARDS FOR DETERMINING LABOUR CONDITIONS IN PUBLIC CONTRACTS.

*Question.*—(11) Do you consider that the international regulations should provide that the labour clauses in public contracts should ensure to the workers concerned conditions of work not less favourable than the most favourable conditions fixed by collective agreements or arbitration awards, if such exist, for work of the same character in the district, where the work is carried out?

*Answer.*—(11) Fair wage clauses, by definition, must be concerned with the enforcement of fair wages. Their object should be, as set out in the resolution of the British Parliament on the subject, to ensure the spread of terms agreed to by organisations of employers and workers representative of substantial number of workers. In other words, the effort should be to secure the application to all or as nearly as possible all the workers, what has been agreed to in the case of the majority of workers. The reference to the "most favourable conditions" in this context is, therefore, inapposite, although the qualifying phrase "fixed by collective agreements or arbitration awards" would indicate that the object is really the application to all what has been agreed to in the case of the majority of workers.

*Question.*—(12) Do you consider that in districts in which collective agreements or arbitration awards fixing conditions of work do not exist, such clauses should prescribe conditions of work not less favourable than those—

(i) prevailing in the district or in the nearest district in which the general industrial conditions are similar; or

(ii) fixed by national laws or regulations?

*Answer.*—(12) The object of the question is not clear. Government of India's view is that if fair wage rates have been fixed by collective agreements or arbitration—these methods should secure fair rates—then such rates should be applied to workers employed on public contracts. Where such do not exist, suitable measures should be taken to fix fair wage rates. If the Convention relates only to public works contracts, the fixation of such rates would be comparatively easy. If, on the other hand, the scope of the Convention is widened to include all contracts, fixation by the competent authorities may prove very difficult, even unworkable. Where fair wage rates have been fixed by national laws or regulations, they will naturally prevail and no further fixation will be required.

*Question.*—(13) Do you further consider that where, by reason of the stage of economic development of an area, the prevailing conditions of work fall below a standard which, in the judgment of the competent authority, can be considered to be fair and reasonable, the labour clauses should prescribe fair and reasonable conditions of work?

*Answer.*—(13) Yes, wherever possible; but it should not be forgotten that the grant of higher rates to workers employed on Government works amounts to the creation of a privileged class at the expense of the general body of the Community. The aim should be to secure for all workers the best terms possible taking account of the state of economic development of the community, and not merely good conditions to a comparatively small section of workers at the expense of others, community and not merely good conditions to a section of workers at the expense of others.

*Question.*—(14) Have you any other suggestions to make concerning the general standards on which the labour clauses of public contracts should be based?

*Answer.*—(14). \*

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#### IV.—CONDITIONS PRESCRIBED IN FAIR WAGES CLAUSES.

*Question.*—(15)(a) Do you consider that the international regulations should provide that fair wages clauses in public contracts should specify—

(i) the normal rates of wages to be paid to the various categories of workers; and

(ii) overtime wage rates?

(b) Are there any other details of the wages provisions of public contracts which you consider should be dealt with in the international regulations?

*Answer.*—(15)(a)(i) and (ii) It would be desirable to specify in the contracts the normal rates of wages and overtime rates, wherever it is possible to do so. This may not be practicable in all cases. It is, therefore, suggested that this question may be covered by a recommendation.

(b) Government of India would suggest that provision should be made for the prompt payment of wages and without any deductions, other than those which may be permitted by national laws and regulations, to workers engaged on public contracts.

*Question.*—(16) Are there any other conditions of work which you consider should be dealt with in fair wages clauses, and if so, which?

*Answer.*—(16) From the notes explaining the scope of the question, it appears that the intention is to enquire whether the fair wage clauses should include provision relating to such matters as hours of work, safety conditions, etc. Fixation of wage rates will inevitably involve a certain amount of regulation in regard to hours of work. It is necessary that workers should be protected not only in regard to wages, but also in regard to hours of work, and they should be assured of safe and healthy conditions of work. The fair wage clause may not, however, be an appropriate method of securing these conditions. They should be prescribed by national regulations for all workers or to as many categories of workers as can be covered by the regulations, whether engaged on public contracts or not.

## V.—PROCEDURES AND METHODS OF ENFORCEMENT.

*Question.*—(17) Do you consider that the international regulations should provide that the labour conditions prescribed in public contracts should be—

- (i) determined by a competent authority, in consultation with the organisations of employers and workers concerned, where such exist; and
- (ii) included in the advertised specifications of contracts?

*Answer.*—(17) Yes, provided the regulations apply only to public works.

*Question.*—(18)(a) Do you consider that international regulations should provide that there should be maintained a system of inspection adequate to ensure effective enforcement of the fair wages clauses of public contracts?

(b) Do you further consider that the international regulations should specify that the system of inspection should be the general labour inspectorate?

*Answer.*—(18)(a) No regulation can be effectively enforced unless there is a system of inspection. It is, therefore, fundamental that there should be an adequate system of inspection for the enforcement of every Convention.

(b) The agency to be entrusted with inspection may be left to be determined by national laws. It will introduce an element of unnecessary rigidity if it is to be laid down in the Convention that the responsibility for the enforcement of the "Fair Wage Clause" should be entrusted to the general Labour Inspectorate. If at all regulations should cover this question, it is suggested that they should be covered by a Recommendation.

*Question.*—(19) Do you consider that the international regulations should provide that the laws and regulations concerning fair wages clauses in public contracts should—

- (i) be brought to the notice of all persons concerned;
- (ii) define the persons responsible for compliance therewith;

- (iii) prescribe adequate penalties for any violation thereof;
- (iv) require the posting of the labour clauses in conspicuous places at the establishments and workplaces concerned; and
- (v) provide for the maintenance of adequate records of the hours worked by and the wages paid to the workers concerned?

*Answer.*—(19) Yes, subject to the scope of the regulations being restricted to public works.

*Question.*—(20) Do you consider that the international regulations should provide that such funds should be withheld from payment under a contract as would be sufficient to ensure that the workers concerned are paid all wages to which they are entitled?

*Answer.*—(20) This would be desirable and may even be necessary in certain circumstances. An absolute rule that the authority awarding the contract should withhold such funds as may be necessary to meet the claims of the workers would be unworkable, as the authority cannot always undertake this responsibility. What is necessary, therefore, is a provision that national laws and regulations *may* provide for the withholding of a sufficient amount from the dues of the contractors, if it is found that the contractors have defaulted in paying the rates of wages. The question may, therefore, be left to be covered by a recommendation.

*Question.*—(21) Do you consider that the international regulations should provide that contracts should be withheld, for such a period as may be fixed by national laws or regulations, from persons or firms found guilty of deliberate and repeated violations of the fair wages provisions of public contracts?

*Answer.*—(21) Yes, but as definite provisions regarding periods for which contracts should be withheld or as to what should constitute "deliberate and repeated violations" cannot be made in a Convention, it is considered that this may also be left to be covered by a Recommendation.

## APPENDIX V (ii)

*Item V(A) (a) (ii)—Replies and Comments of Government of India to the I.L.O. questionnaires and reports on production of wages.*

## Questions.

## Answers.

**I.—FORM OF THE INTERNATIONAL REGULATIONS.**

1. Do you consider that the International Labour Conference should adopt international regulations concerning the protection of wages and that these regulations should take the form of a Convention? Yes.
2. (a) Do you consider it desirable to supplement the proposed Convention with one or more Recommendations on the subject? Yes.
- (b) If so, which of the following points should, in your opinion, be excluded from the Convention and included in a Recommendation? The answers to the questions will indicate what points should be covered by a Convention and what should be included in a Recommendation.

**II.—SCOPE.**

3. (a) Do you consider that the international regulations should apply to— Yes. The expression "capable of being expressed in terms of money" needs careful definition. It should, for example, exclude items like—
  - (i) remuneration or earnings, however designated or calculated, capable of being expressed in terms of money, which are payable by the employer to the worker in virtue of a written or unwritten contract of employment; and
  - (ii) allowances or supplementary payments, such as bonuses and severance pay or dismissal wages, which are payable by the employer to the worker in virtue of a contract of employment or national law?
- (a) the value of any house accommodation supply of light, water, medical attendance or other amenity or services excluded under national regulations;
- (b) any contribution paid by the employer to any Pension Fund or Provident Fund or in respect of any social insurance scheme;
- (c) any travelling allowance or the value of any travelling concession;
- (d) any sum paid to the person employed to defray the special expenses entailed on him by nature of his employment;
- (e) any gratuity payable on discharge.

The objects of the proposals are—

- (a) to guarantee the worker against practices which would tend to make him unduly dependent on his employer, and
- (b) to ensure that he receives promptly and in full the wages which he has earned.

It will be sufficient for those purposes if the regulations cover only payments which are normally paid in cash like wages, cost of living allowances, bonuses, etc. To defeat any attempt that may be made to circumvent the regulations by making payments in kind or services, it would be desirable to employ the express "capable of being expressed in terms of money." At the same time care should be taken to see that this wide expression does not include certain services which cannot and need not be covered by the Regulations. The reason for suggesting that gratuity payable on discharge should be excluded from the scope of the

- (b) Do you consider that the International regulations should provide for the possibility of excluding employed persons whose remuneration exceeds an amount prescribed by law ?
- (c) Do you further consider that the international regulations should provide for the possibility of excluding any other categories of employed persons, and if so, which ?
- (d) Have you any further suggestions to make concerning the scope of the international regulations ?

regulations is this ; The payment is related to the total approved service of the employee and some time must be allowed to employers to verify the service. Before payment is arranged, it will also be necessary to see that there are no dues from the workers. Consequently it may not be possible to arrange for the payment of the gratuity within the time normally allowed for the payment of wages. No hardship will be caused to the workers if the payment of this lump sum is deferred for a short period.

Yes. But the limit should be left to be prescribed by national regulations.

The International Regulations should apply, in the case of India, only to employments in Industrial undertakings to which the Payment of Wages Act is applied.

....

### III.—MEDIUM OF WAGE PAYMENTS.

#### *A.—Payment in kind.*

4. Do you consider that the international regulations should provide that the partial payment of remuneration in the form of allowances in kind may be authorised by law only in industries or occupations in which such payments are customary or necessary by reason of the nature of the industry or occupation concerned ?
5. (a) Do you consider that the international regulations should provide that, in cases in which the law authorises part payment of wages in kind, appropriate measures should be taken to ensure that—
- (i) such allowances in kind are restricted to those which are necessary for the personal use of the worker and his family ;

Yes. The question whether payment in kind is necessary or not in any industry or occupation should be left to be determined by national authorities.

In some cases, for example, in agricultural employments payments in kind need not necessarily be "restricted to those which are necessary for the personal use of the workers and his family", especially in countries where money economy has not completely superseded the ancient system of payment in kind. So long as provision is made—

- (a) that payments in kind may be allowed only if authorised by national regulations, and
- (b) that regulations permitting payments in kind should also lay down sufficient safeguards against abuses associated with payments in kind [*vide* questions 5(a) (i) and (ii)].

It is not necessary to lay down a further stipulation that such payments in kind should be restricted to the amounts as may be necessary for the personal use of the worker and his family. If it is considered necessary that this point should be covered by international regulations, it is suggested that the regulations should take the form of a Recommendation.

- (ii) the value attributed to such allowances should not exceed their real value ; and

Yes.



## Questions.

## Answers.

(iii) such allowances are of adequate quality and quantity?

The principle is acceptable, but the difficulty is how to ensure that in every case the allowance in kind is of adequate quality and quantity. As explained in the answer to question 4(a)(i), payment in kind must be authorised under a national law; such authorisation will inevitably include suitable safeguards against any attempt to defraud the worker in respect of quality or quantity of the payments in kind. It is suggested that international regulations, covering this point should take the form of a Recommendation, so that Member-States will have some latitude in giving effect to the principle, depending upon and suited to the circumstances obtaining in their respective countries.

(b) Are there any other provisions which you consider should be included in the international regulations concerning the partial payment of wages in kind, and if so, which?

In India certain classes of workers are supplied foodgrains and other essential commodities at concessional prices. This custom grew up during war-time when workers found it difficult to secure a sufficient quantity of supplies at reasonable prices. This arrangement has been continued in many cases even after the war, because the workers regard this as a valuable privilege. The regulations should be so framed as to permit its continuance or for its provision even where it is not now in existence, if such provision is considered desirable and in the interests of the workers.

*B—Payment in cash.*

6. (a) Do you consider that the international regulations should provide that wages should be paid only in legal tender and that payment in the form of promissory notes, vouchers, coupons or any other token alleged to represent legal currency should be prohibited?

Yes. But it should be made clear that the wages referred to here relate to the portion ordinarily paid or payable in cash.

(b) Do you consider that wages may, with the consent of the worker, be paid by bank draft or cheque?

Yes.

7. Do you consider that the international regulations should provide that, except as otherwise specified by the workers, wages should be paid directly to the worker concerned?

Yes.

*C—Free disposal of wages and regulation of company stores.*

8. Do you consider that the international regulations should provide that the employer should be prohibited from limiting in any manner the freedom of the workers to dispose of his wages?

Yes.

9. (a) Do you consider that the international regulations should provide that in appropriate cases works stores or similar services may be established for the sale of merchandise to the workers subject to conditions to be prescribed by national laws or regulations?

Yes.

(b) If so, do you consider that such conditions should include the following:—

(i) that the workers concerned should be free from any coercion to make use of such services;

Yes.

## Questions.

## Answers.

- (ii) that no financial profit should accrue to the employer from the operation of such services ; Yes.
- (iii) that the appropriate measures should be taken to ensure the sale of goods at fair and reasonable prices ; and The principle enunciated is unexceptionable, but the difficulty is one of enforcement. If it is intended that there should be a check of prices, it will be necessary for Government to employ a staff of Cost Accountants. 9(b)(ii) provides that no financial benefits should accrue to the employer. This itself must ensure that the prices are fair and reasonable. Further 9(b)(iv) provides for the association of representatives of workers, wherever possible, in the administration of these services. This again should act as a safeguard against profiteering. It is therefore suggested that 9(b)(iii) should be deleted, as being unnecessary and difficult to enforce.
- (iv) that representatives of the workers concerned, and more particularly members of works welfare committees or similar bodies, where such exist, should be associated in the administration of such services. Yes, as far as practicable.
- (c) Are there any other provisions concerning the regulation of works, stores and similar services which you consider should be included in the international regulations, and if so, which ? ....
- IV—DEDUCTION FROM WAGES.**
- 10(a). Do you consider that the international regulations should include provisions concerning deductions from wages; and Yes.
- (b) If so, do you consider that the conditions under which deductions may be made should be prescribed by national laws or regulations and notified to the workers concerned in the manner deemed most appropriate by the competent authority ? Yes.
11. Do you consider that the international regulations should provide that no deductions from wages may be made in the form of direct or indirect payments by a worker to an employer or his representative or to any intermediaries (such as sub-contractors or labour recruiters) for the purpose of obtaining or retaining employment ? Yes.
12. (a) Do you consider that the international regulations should provide that the employer may not make any deductions from wages in order to reimburse himself for loss or damage to his products, goods or installations except under the following conditions:—  
 (i) that the damage or loss has been caused intentionally or through grave negligence on the part of the worker ; and  
 (ii) that the deduction is fair and does not exceed the real value of the damage or loss ? It would be sufficient if it is said that the damage or loss should have been caused through the negligence or default on the part of the employee. There is no need to go into the intention or assess the extent of negligence especially as employee will be given an opportunity to show cause why the deduction should not be made, vide answer to question 12(b). Yes.

## Questions.

## Answers.

- 12(b). Are there any other conditions which you consider should be prescribed, and if so, which ?
- The international regulations may provide (i) that the worker should be given an opportunity to show cause why no deduction should be made and (ii) that the deductions on this account should not exceed such limit as may be imposed by the National authority.
13. Do you consider that the international regulations should provide that the employer may not make any deductions from wages in the form of disciplinary fines except under the following conditions :—
- (i) that the worker has committed a breach of legal regulations or of the provisions of works regulations previously established in conformity with national laws or regulations ;
- (ii) that the worker concerned or representatives of the staff should be heard; and
- (iii) that the proceeds from disciplinary fines are used exclusively for the benefit of the staff of the undertaking concerned ?
- Yes.
- Yes.
- The proceeds of disciplinary fines need not necessarily be used for the benefit of the staff of the undertaking concerned. A provision that fines should be utilised for the benefit of workers should be sufficient. As a safeguard, a further provision may be made that payment should be made only to such funds for workers' benefits as are approved by the National authority.
14. Do you consider that the international regulations should provide that deductions from wages in respect of tools, materials or equipment supplied by the employer may be made only if such deductions :—
- (i) are a recognised custom of the trade or occupation concerned ;
- (ii) are provided for by collective agreements ; or
- (iii) are authorised by a procedure recognised by national laws or regulations ?
- Yes.

**V.—ATTACHMENT AND SEIZURE OF WAGES.**

15. (a) Do you consider that the international regulations should provide that wages should be subject to attachment or seizure only in a manner and within limits prescribed by law ?
- Yes. National laws should lay down in what manner and within what limits wages can be subject to adjustment or seizure.
- (b) Do you consider that, to the extent deemed to be necessary for the maintenance of the worker and his family, wages should not be subject to attachment or seizure ?
- The principle is generally accepted. Provision has already been made in 15(a) for national laws to regulate the extent to which wages can be subject to adjustment or seizure, in other words the extent to which they should not be attached or seized. In making these regulations national laws will, no doubt, provide that an amount necessary for the maintenance of the worker and his family should be exempted from adjustment or seizure. The amount exempt from seizure or attachment will vary from time to time and country to country. For these reasons, there appears to be no need for making special mention of this point in the regulations. If, however, mention should be made in the regulations, it is suggested that this matter be covered by a recommendation.

## Questions.

## Answers.

**VI.—WAGES AS A PRIVILEGED DEBT.**

16. (a) Do you consider that the international regulations should include provisions to declare wages a privileged debt ?
- (b) If so, do you consider that the international regulations should provide that, in the event of the bankruptcy or judicial liquidation of an undertaking, workers in the employer's service should be treated as privileged creditors as regards wages due to them for services rendered prior to the bankruptcy or judicial liquidation ?
- (c) Do you consider that the international regulations should include any provisions concerning the relationship between privileged wages and other types of privileged debts, and if so, what kind of provision would you regard as appropriate ?
- (d) Do you consider that the international regulations should provide that the wages constituting a privileged debt should be paid in full before ordinary creditors may establish any claim to a share of the assets ?

It would be desirable to declare wages a privileged debt, but the privilege should be restricted to the wages due in respect of the month prior to the month of filing an application for adjudication in the case of bankruptcy or judicial liquidation. Provision is made elsewhere for the regular payment of wages. There seems to be no reason why the wages due in respect of periods other than the debt immediately preceding wage period or month should be treated as a privileged debt.

**VII.—PERIODICITY TIME AND PLACE OF WAGE PAYMENTS.***A—Periodicity of payments.*

17. Do you consider that the international regulations should prescribe maximum intervals for the payment of wages ?
18. If your reply is in the affirmative, do you consider that the international regulations should provide that payment should be made not less often than—
- (a) twice a month in the case of workers whose remuneration is calculated—
- (i) by the hour, day or week ; or
- (ii) on a piece-work or output basis ; and
- (b) once a month in the case of other employed persons ?
19. In the case of workers employed to perform a task the completion of which requires more than a fortnight, do you consider that the international regulations should provide that—
- (a) payments should be made on account not less than twice a month in proportion to the amount of work completed ; and
- (b) final settlement should be made within a fortnight of the completion of the task ?
20. Are there any other categories of workers in respect of which the international regulations should include provisions concerning intervals for the payment of wages? If so, what intervals do you suggest for such categories of workers ?

The international regulations need only provide that wages should be paid as soon as possible, after the expiry of the wage period. Details may be left to be prescribed by national regulations.

Please see answer to question 17. If the international regulations should cover the points referred to in this question, they may make the form of a recommendation.

## Questions.

## Answers.

*B—Time and place of payments.*

21. Do you consider that the international regulations should provide that payment of wages should be made only on working days? Yes.
22. Do you consider that the international regulations should provide that, when the contract of payment is terminated, a final settlement of wages should be effected within a period to be prescribed by national laws or regulations? Yes.
23. Do you consider that the international regulations should provide that the payment of wages should be made at or near the work place? Yes.
24. Do you consider that the international regulations should prohibit the payment of wages in taverns, shops, places of amusement or other similar establishments except in the case of persons employed in such establishments? Yes.

**VIII.—NOTIFICATION OF WAGES CONDITIONS TO WORKERS.***A—Notification of Wage Rights.*

25. (a) Do you consider that international regulations should provide that workers should be informed, in a manner to be prescribed by national laws or regulations, of the conditions in respect of wages under which they are employed? Yes.
- (b) Do you further consider that the international regulations should specify the details of the conditions which should be brought to the knowledge of the workers, and that such details should, wherever appropriate, include particulars as to—
- (i) the rates of wages payable ;
- (ii) the method of calculation ;
- (iii) the intervals of payments ;
- (iv) the place of payment ; and
- (v) the conditions under which deductions may be made ?
- Those matters relate to details. They may be left to be covered by a recommendation which would give the National Government some latitude in giving effect to those provisions.
- (c) Are there any other provisions which you consider should be included in the international regulations concerning notification to workers of wage conditions, and, if so, what provisions would you suggest ? Nil.

*B—Statements of Earnings.*

26. (a) Do you consider that the international regulations should provide that workers should be informed, with each payment of wages, of the following particulars :—
- (i) the gross amount of wages earned ;
- (ii) the method of calculation ;
- Yes. But those matters should be left to be covered by a recommendation.

## Questions.

## Answers.

- (iii) any deductions which may have been made ; and
- (iv) the not amount of wages paid ?
- (b) Are there any categories of workers to which you consider that the foregoing provisions should not apply, and if so, which ?

Nil.

## IX—Enforcement Measures.

27. Do you consider that the international regulations should provide that the laws and regulations concerning the protection of wages should—
- (i) be brought to the notice of all persons concerned ;
- (ii) define the persons responsible for compliance therewith ;
- (iii) prescribe adequate penalties for any violation thereof ; and
- (iv) provide for the maintenance of a system of inspection adequate to ensure effective enforcement ?
28. (a) Do you consider that the international regulations should provide for maintenance of pay roll records in a form and manner to be prescribed by national laws or regulations ?
- (b) Do you further consider that such records should, in respect of each worker employed, include the following particulars, wherever appropriate :—
- (i) the gross amount of wages earned in each pay period ;
- (ii) the method of calculation ;
- (iii) deductions from wages ; and
- (iv) the not amount of wages paid ?

In principle this is desirable ; but to allow the national authorities some latitude, this matter may be left to be covered by a recommendation.

Yes.

These matters may be left to be covered by a recommendation.

## APPENDIX—V (iii)

*Item V. (A) (b).*—**Replies and comments of Government of India to the I. L. O. questionnaires on the freedom of association and protection of the right to organise.**

## Questions.

## Answers.

I—*Desirability and form of International Regulations.*

- (1) Do you consider that the conference should adopt international regulations concerning freedom of association and the protection of the right to organise in the form of one or several Conventions ?
- (2) If the answer to question 1 is in the affirmative, do you consider that the Conference should adopt two separate Conventions, one concerning freedom of association and the other concerning the protection of the right to organise ?

Yes.

The Conference should adopt two separate Conventions, one concerning the freedom of association and the other concerning the protection of the right to organise.

II—*Establishment of organisations.*—

- (3) (a) Do you consider that it would be desirable to provide that employers and workers, without distinction whatsoever, should have the inviolable right to establish or join organisations of their own choosing without previous authorisation ? or alternatively,
- (b) Do you consider that it would be preferable to enumerate descriptively the persons to whom the right of association should apply, and, therefore, to provide that employers and workers, public or private, without distinction as to occupation, sex, colour, race, creed, nationality or political opinion, should have the inviolable right to establish or join organisations of their own choosing without previous authorisation ?
- (c) Do you consider that it would be desirable to provide that the recognition of the right of association of public officials by international regulation should in no way prejudice the question of the right of such officials to strike ?

Yes, but the regulations should be so framed as to make clear that the right to establish or join organisations should be in conformity with the provisions in the National Constitution regarding the freedom of speech and co-operation, the right to form associations and the right of assembly.

Yes, but it should be made clear that the recognition of the right of association of public officials does, in no way, imply any recognition, directly or indirectly, of the right of such officials to strike.

III—*Functioning of organisations.*

- (4) (a) Do you consider that it would be desirable to provide that employers' and workers' organisations should have the right to draw up their constitutions and rules, to organise their administration and activities and to formulate their programmes ?

(a) and (b) Yes ; it would be desirable to provide that the employers' and workers' organisations should have the "right to draw up their constitutions and rules, organise their administration and activities and to formulate their programmes," provided the methods followed are open, strictly peaceful and within the law, and are not in any way calculated to

## Questions.

## Answers.

(b) Do you consider that it would be desirable to provide further that the public authorities should refrain from any interference which would restrict this right or impede the organisations in the lawful exercise of this right ?

interfere with the exercise of similar rights by other people and organisations.

IV—*Dissolution and suspension of organisations.*

(5) Do you consider that it would be desirable to provide that employers' and workers' organisations should not be liable to be dissolved or have their activities suspended by administrative authority ?

The employers' and workers' organisations should not be liable to be dissolved or have their activities suspended except by a due process of law.

V—*Federations, Confederations and International Organisations of employers and workers.*

(6) Do you consider that it would be desirable to provide that employers' and workers' organisations should have the right to establish federations and confederations and to affiliate with international organisations of employers and workers ?

Yes, provided the exercise of this right does not in any way, injure the security of the State.

VI—*Guarantees relating to Federations and Confederations.*

(7) Do you consider that it would be desirable to provide that the guarantees with regard to the establishment, functioning, dissolution and suspension of employers' and workers' organisations referred to in Questions 3, 4 and 5 should apply to federations and confederations of such organisations ?

Yes.

VII—*Legal personality of organisations.*

(8) Do you consider that it would be desirable to provide that the acquisition of legal personality by employers' and workers' organisations should not be made subject to conditions of such a character as to restrict freedom of association as hereinbefore defined ?

Yes.

VIII—*Responsibilities of organisations.*

(9) (a) Do you consider that it would be desirable to provide, in the international regulations concerning freedom of association, that the acquisition and exercise of the rights defined above should not exempt employers' and workers' organisations from their full share of responsibilities and obligations or alternatively,

Yes. Every right has its counterpart in obligations. The recognition of a right should be, therefore, balanced by a recognition of corresponding responsibilities.

(b) Do you consider that it would be preferable to reserve such a provision for inclusion in international regulations concerning collective agreements or conciliation and arbitration ?



## Questions.

## Answers.

*IX—Guarantee of the exercise of the right to organise.*

(10) Do you consider that international regulations should guarantee the exercise of the right to organise ?

Yes.

(11) If the answer to Question 10 is in the affirmative, do you consider that the protection of the right to organise should be effectively assured by means of mutual agreement between organised employers and workers ?

Yes.

(12) Do you consider that, in the absence of full and effective guarantee by means of mutual agreements, appropriate measures should be taken to protect the exercise of the right to organise without fear or intimidation, coercion or restraint from any source ?

Yes.

*X—Establishment of agencies for the purpose of ensuring respect of the right to organise.*

(13) Do you consider that international regulations should include the obligation of establishing appropriate agencies for the purpose of ensuring the respect of the right to organise ?

Yes.

(14) Have you any proposal or suggestion to make on any point relating to the questions of freedom of association and of protection of the right to organise, to which no reference has been made in this questionnaire ?

The object of the regulations is to secure an effective functioning of free institutions in democratic communities. It is, therefore, essential to provide that the rights shall be available only to employers and workers which—

(a) do not exclude from their membership any individual or group of individuals, who may otherwise be eligible, merely on grounds of sex, colour, race, creed or nationality ;

(b) do not interfere in any way with the right of any individual or group of individuals to pursue peacefully his or their trade and vocation and exercise the right of citizenship and

(c) conduct their activities according to democratic procedure.

## APPENDIX V (iv)

Item V (A) (c)—Replies and comments of Government of India to the I. L. O. questionnaires on—

Questions.	Answers.
<b>QUESTIONNAIRE I—APPLICATION OF THE PRINCIPLES OF THE RIGHT TO ORGANISE AND TO BARGAIN COLLECTIVELY.</b>	
<b>I—Desirability and Form of International Regulations.</b>	
1. Do you consider that the International Labour Conference should adopt international regulations concerning the application of the principles of the right to organise and to bargain collectively, in the form of a Convention ?	Yes.
<b>II—Guarantee of the workers' right to organise.</b>	
2. Do you consider that the international regulations should include provisions regarding the protection of the workers' right to organise ?	Yes.
3. If so, do you consider that the international regulations should prohibit all acts of anti-union discrimination on the part of the employer or his agents through which—	Yes.
(a) The employment of a worker is made dependent on the condition that he shall not join a union or shall withdraw from one to which he already belongs ?	
(b) A worker is prejudiced by reason of his membership of a union or his union activities ?	
(c) A worker is dismissed by reason of his membership of a union or his union activities ?	
<b>III—Guarantee of the rights of workers' organisations.</b>	
4. Do you consider that the international regulations should include provisions regarding the protection of the rights of workers' organisations ?	Yes.
5. If so, do you consider that the international regulations prohibit all acts on the part of employers, employers' organisations or their agents, infringing the workers' right to organise by—	Yes.
(a) furthering the establishment of unions under the domination of employers ?	
(b) interfering in the establishment or conduct of a union or supporting it by financial or other means ?	
<b>IV—Guarantee of the right to organise of employers and third parties.</b>	
6. Do you consider that the international regulations should include provisions regarding the protection of the right to organise of employers and third parties ?	This is desired.

## Questions.

## Answers.

7. If so, do you consider that the international regulations should prohibit recourse to assault, intimidation and violence with the object of forcing an employer or a worker to join or not to join an organisation of employers or workers?

Yes.

#### V—Union Security Clauses.

8. Do you consider that the international regulations should include a provision to the effect that legislation—or a collective agreement concluded in conformity with legislation—requiring membership in a given union as a previous condition to engagement, or as a condition to maintenance in employment is not incompatible with the provisions of the present regulations?

The inclusion of such a provision in the international regulations would infringe on the workers' individual freedom.

#### VI—Guarantee of the Principle of Collective Bargaining.

9. Do you consider that the international regulations should include a provision making it an obligation for employers or employers' organisations on the one hand, and for workers' organisations on the other, to give effect to the principles of union recognition and collective bargaining?

Yes. Existing legislation already provides for the compulsory recognition of trade unions.

#### VII—Supervisory Measures.

10. Do you consider that the international regulations should specify the obligation to establish appropriate machinery for the purpose of ensuring respect for the right to organise?

Yes. But it should be left to the discretion of the national authority to decide what would be the appropriate machinery.

#### VIII—Methods of applying the international regulations.

11. Do you consider that the international regulations should state that effect may be given to the present Convention—

- (a) By means of legislation?
- (b) By means of agreements between the organisations of employers and workers?
- (c) By means of a combination of (a) and (b)?

It would be preferable to give effect to the Convention by legislation. In countries in which industrial relations are not very highly developed, agreements between employers' and workers' organisations may not be effective. More so in those countries where trade unions are run by outsiders.

12. In case of an affirmative reply to question 11 (b) or (c) do you consider that the following conditions should be fulfilled:—

Yes—in cases where Convention can be given effect to by agreement.

- (a) The employers' and workers' organisations should recognise one another and undertake to provide effective guarantees for the exercise of the right of employers and workers to organise and to bargain collectively?
- (b) The employers' and workers' organisations, parties to such agreements should include a substantial proportion of all employers and employed persons in the country concerned?

## Questions.

## Answers.

13. Have you any proposal or suggestion to put forward on any point relating to the question of the application of the principles of the right to organise and to bargain collectively, which has not been mentioned in the present questionnaire?
- (i) The regulations should not apply to employment in the armed and police forces of the Government;
- (ii) Nothing in the regulations should be construed as preventing Government from imposing, in respect of employment in its administrative services, such restrictions as may be considered necessary in the public interest; and
- (iii) Nothing in the regulations should be construed as giving protection to any organisation or worker from the consequences of an illegal act.

## QUESTIONNAIRE II—COLLECTIVE AGREEMENTS.

## I—Desirability and Form of International Regulations.

1. Do you consider that the International Labour Conference should adopt international regulations regarding collective agreements in the form of a Convention and one or several recommendations?

Yes.

2. If the reply to question 1 is in the affirmative, do you consider that the Conference should adopt—

(a) a Convention relating to the points covered by questions 4, 5, 6 and 7?

Yes, except in regard to 7. This provides that collective agreements "may be rendered applicable", etc. By its very nature the point should be dealt with on a recommendation other than a Convention.

(b) a recommendation relating to the points covered by questions 3, 8, 9 and 10?

Yes.

## II—Collective Bargaining Machinery.

3. Do you consider that it should be provided, in a recommendation, that Governments should establish appropriate machinery which would be available to assist the parties in the conclusion, revision and renewal of collective agreements?

Yes.

## III—Definition, Legal Effect and Extension of Collective Agreements.

## A.—Definition of Collective Agreements.

4. Do you consider that collective agreements might be defined as agreements regarding conditions of work concluded between an employer, a group of employers or an employers' organisation on the one hand, and one or several organisations of workers on the other?

Yes.

## B.—Legal Effect of Collective Agreements.

5. Do you consider that the international regulations should provide that the stipulations of individual or group contracts of employment concluded between employers and workers bound by a collective agreement should be valid only to the extent to which they are more favourable to the workers than the corresponding stipulations of the collective agreement?

Yes.

## Questions.

## Answers.

6. Do you consider that the international regulations should provide that the stipulations of a collective agreement should apply to all the workers in the service of the employer or employers bound thereby, even if these workers are not members of the organisation which concluded the agreement?

Yes, provided such organisation of employees is a representative organisation.

*C.—Extension of Collective Agreements.*

7. (a) Do you consider that it should be provided, in the international regulations, that collective agreements binding the majority of the workers and the majority of the employers (who should also employ the majority of the workers) may be rendered applicable to all employers and workers engaged within the industrial and territorial scope of the agreement as defined by the contracting parties?

Yes.

- (b) Do you consider that any employers and workers to whom the stipulations of a collective agreement are to be rendered applicable should be authorised to submit their observations and objections in advance?

Yes.

- (c) Do you consider that the international regulations regarding the extension of collective agreements should take the form of a Convention or that of a Recommendation?

Recommendation.

*IV—Application of Collective Agreements.*

*A.—Interpretation of Collective Agreements.*

8. (a) Do you consider that it should be provided in a recommendation that disputes arising out of the interpretation and application of collective agreements should be submitted to a procedure for settlement agreed to by the parties and, if this breaks down, should be referred to an appropriate judicial procedure?

Yes.

- (b) If so, do you consider that it should be provided in a recommendation that the parties should receive appropriate guarantees regarding the gratuitous character of the judicial procedure, its rapidity, the technical competence of the judges, etc.

Because of the vagueness of the terms "appropriate guarantees," it is considered that such a provision would be of doubtful value. It would be better to provide simply that the judicial procedure should be gratuitous, speedy and efficient.

*B.—Responsibility of the Parties to Collective Agreements.*

9. (a) Do you consider that there should be included in a recommendation stipulations regarding the responsibility of the parties to collective agreements?

Yes, but the determination of the responsibility of the parties to collective agreements should be left entirely to the discretion of the Government.

- (b) If so, do you consider that it should be provided that the parties to collective agreements should undertake to determine their respective responsibility by agreement?

- (c) Do you consider that, failing an appropriate determination by agreement, the responsibility of the parties to collective agreements should be determined by legislation.

- (d) If so, do you consider that, in such legislation, limits to the liability of the parties should be prescribed?

## Questions.

## Answers.

*C.—Supervision of Application of Collective Agreements.*

- |  |   |
|--|---|
| 10. Do you consider that it should be provided in a recommendation that the Labour Inspectors should be empowered to supervise the application of collective agreements in all the establishments covered thereby? | Yes, Labour Inspectors or Welfare Officers. |
| 11. Have you any proposal or suggestion to put forward on any point regarding the question of collective agreements which has not been mentioned in the present questionnaire?                                     | .. ..                                       |

**QUESTIONNAIRE III—CONCILIATION AND ARBITRATION.****I—Desirability and Form of International Regulations.**

- |   |      |
|---|------|
| 1. Do you consider that the International Labour Conference should adopt international regulations concerning voluntary conciliation and arbitration in the form of a recommendation? | Yes. |
|---|------|

**II—Voluntary Conciliation.**

- |  |  |
|--|--|
| 2. Do you consider that it should be provided that regional and national conciliation authorities should be established to aid the parties in the prevention and settlement of collective industrial disputes?   | Yes.   |
| 3. Do you consider that it should be provided that the organisations of the employers and workers concerned in the disputes should be associated in all stages of the procedure?   | Yes. In the absence of any organisation Government may nominate representatives of employers and employees to be associated in all stages of the conciliation procedure. |
| 4. Do you consider that it should be provided that the conciliation procedure should be free of charge and expeditious, and that the periods prescribed for appearance of the parties, hearing of witnesses and submission of other evidence should therefore be fixed in advance and kept to a minimum?         | Yes, it will be enough if the period for completing the conciliation proceedings is fixed in advance.  |
| 5. Do you consider that it should be provided that, once a dispute has been submitted to a conciliation authority with the consent of all the parties concerned, the latter should be required to abstain from strikes and lock-outs while the conciliation is in process?                                       | Yes.   |
| 6. Do you consider that it should be provided that if the recommendation of a conciliation authority has been voluntarily accepted by the parties, it should be binding upon them?   | Yes.   |
| 7. Do you consider that it should be provided that agreements which the parties may reach during the procedure, and recommendations of the conciliation authorities freely accepted by the parties, should have the same legal force as collective agreements concluded in conformity with national legislation? | Yes.   |

### III—Voluntary Arbitration.

8. Do you consider that it should be provided that a system of voluntary arbitration should be established, to which the parties might have recourse either at the outset or after breakdown of a conciliation procedure? Yes.
9. Do you consider that it should be provided that, once a dispute has been submitted to arbitration with the consent of all the parties concerned, the latter should be required to accept the arbitration award? Yes.
10. Have you any proposal or suggestion to put forward on any point regarding the question of voluntary conciliation and arbitration which has not been mentioned in the present questionnaire?
- (i) Where parties to a dispute do not go in for voluntary conciliation or arbitration there should be provision for Government conciliation machinery to undertake conciliation and, if necessary, for reference of disputes to adjudication, at least in the case of utility undertakings.
- (ii) The recommendation should specify the period of operation of settlements and awards.

### QUESTIONNAIRE IV.—CO-OPERATION BETWEEN PUBLIC AUTHORITIES AND EMPLOYERS' AND WORKERS' ORGANISATIONS.

#### A—Co-operation at the level of the Undertaking.

##### I—Desirability and Form of International Regulations.

1. Do you consider that the International Labour Conference should adopt international regulations concerning co-operation between employers and workers in the undertaking, in the form of a Convention or of a Recommendation? Convention.

##### II—Establishment of Machinery for Co-operation.

2. Do you consider that it should be provided in the international regulations that machinery for co-operation such as for instance, works committees, production committees, staff delegations, etc., should be established, either by agreement between the parties or by legislation, in order to promote a gradual raising of the conditions of work and life of the personnel and a continuous improvement in the organisation of production? Yes; preferably by agreement, but legislation may be necessary.

##### III—Scope of the Regulations.

3. Do you consider that it should be provided in the international regulations that machinery for co-operation should be established in all industrial and commercial establishments, public or private ordinarily employing at least fifty persons? On practical considerations the international regulations should extend to industrial undertakings ordinarily employing 100 or more persons.

##### IV—Appointment of Representatives of Personnel.

4. (a) Do you consider that it should be provided in the international regulations that the representatives of the personnel for the purpose of co-operation in the undertaking should be elected by the whole of the personnel by direct secret ballot, or Yes.
- (b) Do you consider that the representatives of the personnel should be appointed by the representative organisations of the workers? No.

*V—Composition of Representative Bodies.*

5. Do you consider that it should be provided in the international regulations that the number of representatives of the personnel on the committees or other bodies for co-operation in the undertaking should be proportionate to the number of persons employed therein?
- Yes, but subject to a maximum number so that the Committee, etc., may not become unwieldy.
6. Do you consider that it should be provided in the international regulations that the different categories of persons employed in the undertaking manual workers, salaried employees, technicians should be represented on the said committees, etc.?
- Yes, by broad categories. Some discretion should be given to the Government in determining the different categories.

*VI—Working of the Co-operation Machinery.*

7. Do you consider that it should be provided in the international regulations that the Committees or other bodies for co-operation in the undertaking should meet whenever they have urgent questions to consider and in any case not less than once a month?
- Yes, but it would suffice in some cases if the Committees were to meet once a quarter.
8. Do you consider that it should be provided in the international regulations that the said committees, etc., should be able to have the assistance of trade union representatives whenever their deliberations relate to matters for which such persons are competent?
- Yes. It is desirable that the Committees should be allowed to co-opt any person with expert knowledge on any matter before it.
9. Do you consider that it should be provided in the international regulations that appropriate action should be taken to secure close collaboration between the machinery for co-operation in the undertaking and the occupational organisations of the employers and workers concerned?
- Yes.

*VII—Functions of the Co-operation Machinery.*

10. Do you consider that it should be provided in the international regulations that the machinery for co-operation in the undertaking should have more particularly the following functions of a social character:
- Yes.
- (a) to secure application of collective agreements, social legislation and regulations regarding health and safety;
- (b) to give an opinion regarding the engagement and dismissal of employees and their allocation to different jobs;
- (c) to promote the vocational training of the different categories of employees;
- (d) to set up and administer social schemes for the welfare of the employees and their families; and
- (e) in general, to promote a good understanding between the management and the personnel?



11. Do you consider that it should be provided in the international regulations that the machinery for co-operation in the undertaking should have more particularly the following functions of an economic character : Yes.
- (a) to inform the personnel regarding the economic and technical situation of the undertaking ;
  - (b) to study any suggestion put forward by the management of the undertaking or by the personnel with the object of raising the level of production or improving the efficiency of undertaking ;
  - (c) to propose to the management the rewards to be granted to employees whose suggestions have been effectively applied ;
  - (d) to study the methods of production used in the undertaking and to make proposals to the management regarding the best utilisation of its material and human resources.

#### *VIII—Obligations of the Management.*

12. Do you consider that it should be provided in the international regulations that the management of an undertaking should be required : Yes.
- (a) to place at the disposal of the Committees or other bodies for co-operation in the undertaking the premises, material and in appropriate cases the staff essential to its meetings or indispensable for its secretariat ;
  - (b) to allow the representatives of the personnel the time required for performance of their functions as such and to remunerate them for this time as hours of work ;
  - (c) to consult the said committees, etc., on questions concerning the organisation and general conduct of the undertaking ;
  - (d) to inform the said committees, etc., at regular intervals, but at least once a year, regarding the activity of the undertaking and the plans for the coming twelve months ;
  - (e) where the undertaking is a limited company, to submit to the said committees, etc., the same documents as are submitted to the general meeting and more particularly the annual balance sheet and the profit and loss account ?

#### *IX—Obligations of the Representatives of the Personnel.*

13. Do you consider that it should be provided in the international regulations that the representatives of the personnel chosen for co-operation should be required, within the limits laid down by national legislation not to disclose confidential information which may be communicated to them by the management ? Yes.

14. Do you consider that it should be provided in the international regulations that the representatives of the personnel should be required to give an account of their activity to the whole personnel at regular intervals but at least once a year ?

Yes. Such a provision is desirable but there may be difficulties in countries where the workers are illiterate.

*X—Protection of Representatives of the Personnel.*

15. Do you consider that it should be provided in the international regulations that appropriate action should be taken to ensure that the representatives of the personnel are adequately protected in the performance of their functions ?

Yes.

*XI—Application of the International Regulations.*

16. Do you consider that the international regulations should provide that effect may be given to their provisions :

- (a) by means of legislation ? .. .  
(b) by means of collective agreements ? ..

Yes.

No.

17. If the reply to question 16(b) is in the affirmative, do you consider that the international regulations should provide that States should be required to communicate to the Director-General of the International Labour Office information regarding the measures on the strength of which the regulations are applied, and particularly data regarding all collective agreements through which effect is given to the regulations and regarding the number of undertakings having such machinery for co-operation, the number of persons employed in these undertakings, and the distribution of the co-operation machinery by industry or occupation ?

Does not arise.

18. Have you any proposal or suggestion to put forward on any point regarding the question of co-operation in the undertaking which has not been mentioned in the present questionnaire.

No.

**B—Co-operation at the level of the Industry.**

*I—Desirability and Form of International Regulations.*

1. Do you consider that the International Labour Conference should adopt international regulations concerning co-operation at the level of the industry, in the form of a recommendation ?

Yes.

*II—Establishment of National Industrial Boards.*

2. (a) Do you consider that it should be recommended in the international regulations that joint national boards should be established on a permanent basis in the different branches of industry and commerce, either by agreement between the employers' and workers' organisations concerned or by legislation ?

Yes, but Governments should be given a certain measure of discretion in determining the branches of industry, commerce in which joint national boards should be established. The joint national boards may be set up either by agreement or by legislation.

- (b) Do you consider that where there are several representative organisations of employers and of workers in the branch concerned, the representation of the workers on the board should be proportionate to the membership of such organisations ?

Broadly speaking, yes.

*III—Functions of National Industrial Boards.*

3. Do you consider that it should be recommended that the national industrial boards should have the function of taking all appropriate action : Yes.
- (a) to raise the standard of life of the workers ;
- (b) to increase the level of production and the efficiency of the industry ;
- (c) in general, to examine the social, technical and economic problems of the industry or trade concerned ?
4. Do you consider that it should be recommended in the international regulations that the national industrial boards should have the power to submit to the competent authorities opinions or recommendations on all questions of an economic or social character falling within their terms of reference ? Yes.

*IV—Co-operation in Nationalised Industries and those established in the public services.*

5. Do you consider that it should be recommended in the international regulations that, where certain branches of economy have been nationalised, or established in the public services, all appropriate action should be taken to ensure close and permanent co-operation between the authorities responsible for the administration of the nationalised industries and the workers' organisations concerned ? Yes.
6. Have you any proposal or suggestion to put forward on any point regarding the question of co-operation at the level of the industry which has not been mentioned in the present questionnaire ? No.

**C—Co-operation at the National Level.***I—Desirability and Form of International Regulations.*

1. Do you consider that the International Labour Conference should adopt international regulations concerning co-operation at the national level, in the form of a Recommendation ? Yes.

*II—Consultation of Employers' and Workers' Organisations.*

2. Do you consider that it should be provided in the international regulations that the employers' and workers' organisations should be consulted during the preparation and implementation of economic and social measures of national scope ? Yes.

*III—Establishment of Machinery for Co-operation at the National Level.*

3. Do you consider that the international regulations should recommend the establishment by legislative or other means, of national advisory councils of a social and economic character such as, for instance, national economic councils, national labour councils, etc. ? Yes.

4. Do you consider that it should be provided in a recommendation that the national advisory councils should include among their members an equal number of employers' and workers' representatives, either nominated directly by the representative organisations of employers and workers, or appointed by the competent authorities on the basis of proposals from these organisations ?

Yes, where such organisations exists.

#### *IV—Functions of National Advisory Councils*

5. Do you consider that it should be provided in a Recommendation that the national advisory councils should have more particularly the following functions :

Yes.

(a) to study social and economic questions falling within their terms of reference, undertake the necessary investigations to this effect, and submit their opinions and recommendations to the competent authorities ?

(b) to give a previous opinion on proposed legislation of an economic or social character falling within their terms of reference, and on proposed regulations to apply such legislation ?

6. Do you consider that it should be provided in a Recommendation that the competent authorities should be required to submit to the national advisory councils, for their opinion, proposed legislation of an economic or social character falling within their terms of reference, and proposed regulations to apply such legislations ?

Yes.

#### *V—Participation in Administration of Social Institutions.*

7. Do you consider that it should be provided in a Recommendation that the employers' and workers' organisations should be associated in the administration of national institutions, such as those responsible for social security, organisation of employment, industrial health and safety and other forms of labour welfare ?

Yes.

8. Have you any proposal or suggestion to put forward on any point regarding the question of co-operation at the national level which has not been mentioned in the present questionnaire ?

No.

## APPENDIX V(7).

*Item V(A)(d).*—Replies and Comments of the Government of India to the I.L.O. Questionnaires and Reports on Vocational Guidance.

**INTRODUCTION.**

Vocational guidance for all is a desirable ideal but the rate of progress towards this ideal must vary according to the needs and circumstances of each country. India is predominantly an agricultural country with a large surplus population. A more pressing problem here is that of unemployment or underemployment. Vocational training cannot obviously be introduced on a comprehensive scale all at once and a beginning has to be made in the larger centres and with special types of employment. It is also important that vocational training should be planned with due regard to available employment otherwise it will involve unnecessary expenditure with no benefit to the workers. The replies to the questionnaires should, therefore, be read in the above context.

**I—FORM OF THE REGULATIONS.**

1. Do you consider it desirable that the International Labour Conference should adopt international regulations on vocational guidance? Yes.
2. Do you consider that these regulations should take the form of a Recommendation? Yes.

**II—SCOPE OF VOCATIONAL GUIDANCE.**

3. Do you consider that the Recommendation should stipulate that public vocational guidance facilities should be made available, to the maximum extent possible and as rapidly as possible, to all juveniles leaving school and to other young persons up to an age fixed according to national circumstances, whether such persons are seeking admission to vocational training or seeking employment for the first time or already in the employment market? Yes.
4. Do you consider that in addition the Recommendation should stipulate that public vocational guidance or employment counselling facilities should be made available, to the maximum possible extent and as rapidly as possible, to all persons regardless of age who wish to obtain advice concerning the choice of occupation? Yes.

**III—PRINCIPLES AND METHODS OF VOCATIONAL GUIDANCE FOR YOUNG PERSONS.**

5. Do you consider that the Recommendation should include the principle that policy governing the vocational guidance of young persons should be framed and applied through the co-operative efforts of each organisation and agency dealing with the child in his transition from school to work (such as the education authorities and the authorities responsible for youth training and placement) to the end that each young person concerned may have the benefit of unified and co-ordinated service? Yes.
6. (a) Do you consider that the Recommendation should stipulate that the preliminary vocational guidance of young persons should begin before the end of general education? Yes.
- (b) If so, at what stage of education do you consider that such preliminary vocational guidance should be introduced as a general rule? If it is begun early, do you consider that it should receive additional emphasis in the last period of schooling? During the last 1 to 2 years.

- (c) Do you consider that preliminary vocational guidance should include :
- (i) the provision, by the competent public authorities or under public supervision, of comprehensive occupational and industrial information of a general character, presented in suitable form ?
  - (ii) visits to industrial and commercial establishments, coal mines, model farms and other workplaces ?
  - (iii) preliminary personal interviewing ?
  - (iv) experimental periods of practical work experience ?
- Yes, as far as possible.
- Yes.
- Yes, but it would be difficult to put into practice.
7. Do you consider that the Recommendation should stipulate the principal methods of vocational guidance for young persons to be encouraged to the fullest possible extent in the different countries ? Yes.
8. (a) If so, do you consider that the Recommendation should specify that personal interviewing should be an essential factor in the process of vocational guidance for young persons and that particular attention should be given to continuously adapting and improving the methods of interview ? Yes.
- (b) Do you consider that special attention should be given to personal interview at the time of leaving school and entering the employment market ? Yes.
9. Do you consider that the Recommendation should also stipulate that a cumulative record of scholastic progress, including an evaluation of character, personality and aptitudes, should be made available and utilised for vocational guidance purposes ? Yes.
10. (a) Do you consider that the Recommendation should stipulate that vocational guidance for young persons should include medical examination ? Yes.
- (b) If so, do you consider that this examination should be accompanied by advice for corrective action if needed ? Yes.
11. Do you consider that the Recommendation should stipulate that vocational guidance for young persons should include provision of facilities for psychological and aptitude testing, to be administered by qualified persons ? Yes, as far as possible.
12. Do you consider that the Recommendation should also specify that vocational guidance for young persons should include the provision in individual cases, through personal interview and otherwise, of reliable information in regard to occupations and employment and training opportunities related to the aptitudes and tastes of the young person concerned and to the national labour requirements ? Yes.
13. Do you consider that the Recommendation should urge that special attention should be given to the development of appropriate vocational guidance services for young persons in rural areas ? The Recommendation is desirable in principle but it would be very difficult to give effect to all this stage of India's development.
14. Do you consider that the Recommendation should also state that special attention should be given to the maintenance of appropriate vocational guidance services for physically or mentally handicapped young persons (or those manifesting anti-social behaviour) requiring such services ? Yes.

15. (a) Do you consider that the Recommendation should specify that the use of vocational guidance facilities for young persons should be on a fully voluntary basis ? Yes.
- (b) Do you consider that it should be stated that the competent national and local authorities should undertake to develop specific methods and co-operative procedures for encouraging full use of such facilities ? Yes.
- (c) Have you any methods or procedures to suggest for this purpose—
- (i) in respect of school-leavers ? .. .. .
- (ii) in respect of other young persons ? .. .. .
- (d) Are there any circumstances in which you consider it desirable to require schools, or individual young persons, or particular categories of young persons, to make use of vocational guidance facilities ?
16. (a) Do you consider that the Recommendation should also specify that the process of vocational guidance should include methods or co-operative procedures designed to facilitate application of the young person's vocational plans, as, for example—
- (i) making suggestions to him about carrying out these plans ? Yes.
- (ii) ensuring that he is brought into contact with the other agencies or persons subsequently concerned with placing him in training or employment in the occupation chosen by him ? Yes.
- (b) What other methods or procedures do you consider desirable for this purpose ?
17. (a) Do you consider that the Recommendation should specify that vocational guidance should include follow-up aimed primarily at finding out whether the young person is satisfactorily following his vocational programme and whether the occupation selected is proving suitable for him ? Yes.
- (b) If so, how do you propose that such follow-up might be organised ?
18. Have you any suggestions to make in regard to other principles and methods of vocational guidance for young persons suitable for inclusion in international regulations ? No.

There should be an Advisory Agency from which school-leavers and other young persons may obtain competent advice. This Agency should be centrally controlled to ensure uniformity and should work in close co-operation with all other interested bodies.

Yes, it is felt that mentally deficient and disabled young persons should be the special concern of the Advisory Agency.

By arranging career talks by, or interviews with, persons qualified in and competent to give advice in individual professions/occupations.

By securing the co-operation of employers/training institutions in supplying reports of progress made and by regular meetings between members of the Advisory Body and young persons.

#### IV—PRINCIPLES AND METHODS OF EMPLOYMENT COUNSELLING FOR ADULTS.

19. (a) Do you consider that the Recommendation should specify that appropriate arrangements for the vocational guidance of adults should be developed and applied, by or in co-operation with the employment service, with a view to providing specialised employment counselling for adults requiring such assistance to find suitable and useful employment ? Yes.

- (b) If so, do you consider that the process of employment counselling should include, as appropriate in individual cases, any or all of the following methods : Yes.
- (i) personal interview ? .. .. . Yes.
  - (ii) cumulative record of work experience ? .. Yes.
  - (iii) provision of occupational and industrial information ? Yes.
  - (iv) health record .. .. . Yes.
  - (v) psychological or aptitude testing .. .. . Yes, as far as practicable.
  - (vi) follow-up aimed at discovering whether satisfactory placement and vocational adjustment have been achieved ? Yes, as far as possible.
20. (a) Do you consider that the Recommendation should provide that in cases of prolonged unemployment the use of employment counselling facilities should be made a condition for the continued receipt of unemployment benefit or allowance ? Yes.
- (b) Are there any other circumstances in which you consider it particularly desirable that employment counselling facilities should be used by adult job-seekers ? Yes, when it is known that there is a surplus of persons in particular occupations for whom no prospect of absorption exists.
21. Do you consider that the Recommendation should specify the desirability of developing, within the framework of the general facilities, specialised employment counselling for : Yes.
- (i) disabled persons .. .. . Yes.
  - (ii) persons seeking technical, professional and executive posts ? Yes.
  - (iii) ex-servicio personnel, so long as the need exists ? Yes.
22. Do you consider that the Recommendation should provide that special attention should be given, in connection with employment counselling work, to the development and improvement of methods for the technical selection of workers for particular jobs and undertakings ? Yes.
23. Are there any other principles or methods of employment counselling for adults which, in your opinion, should be specified in the Recommendation ? No.

#### V—PRINCIPLES OF ADMINISTRATIVE ORGANISATION.

24. (a) Do you consider that the Recommendation should state that vocational guidance and employment counselling activities should be developed and co-ordinated on the basis of a comprehensive general programme, established so far as practicable by or on the initiative of the competent central authorities in the light of regional and local conditions and adaptable to such conditions ? In India the necessary administrative organisation can only be built up slowly and gradually. At this stage it is not possible to express any definite opinion.
- (b) Do you consider that the central authorities should assume fixed responsibilities for promoting vocational guidance and employment counselling activities, including, for example, the grant of financial and technical assistance for this purpose ? Ditto.



25. Do you consider that the Recommendation should provide that the competent public authorities should take all necessary and desirable measures to encourage co-ordination of public and private vocational guidance activities nationally and locally so that each organisation or agency concerned with any aspect of the process may contribute effectively in the framing and application of policy in regard to vocational guidance and employment counselling? Yes.

#### A—Young persons.

26. (a) Do you consider that the Recommendation should stipulate that administrative arrangements for co-ordinated policy and action in regard to the vocational guidance of young persons should be maintained nationally and locally? Yes, but this must be subject to adjustment in the light of the constitutional arrangements in each country.

- (b) Do you consider that these arrangements should aim more particularly at co-operative planning and procedures to ensure effective service to young persons without duplication of effort and to facilitate the interchange of information concerning: Yes.

(i) the extent and character of the need for vocational guidance and of the service provided;

(ii) the young persons applying for vocational guidance;

(iii) industries and occupations;

(iv) employment and training opportunities; and

(v) the preparation and use of vocational guidance materials of all kinds?

Yes

- (c) Do you consider that the administrative responsibility for the vocational guidance of young persons:

(i) should be divided among various authorities (as for example, the education authorities, the employment service authorities, or autonomous specialised agencies or centres under public authority); or

(ii) should be carried jointly by the interested agencies with the necessary structural relationships developed by law or regulations; or

(iii) should be entrusted primarily to one authority, and, if so, to which authority?

No general answer can be given to this question. Everything will depend on the conditions prevailing in each country. It is felt that no detailed recommendations of this nature should be made.

27. (a) Do you consider that the Recommendation should provide that vocational guidance for young persons should be developed and administered with the assistance of representative advisory committees? Yes.

- (b) If so, do you consider that these councils should include representation of any or all of the following groups:

(i) employers' organisations?

(ii) trade unions?

(iii) education authorities?

(iv) employment service?

(v) vocational training, including apprenticeship authorities?

(vi) parents' associations?

(vii) organisations of youth and youth-serving organisations?

(viii) any other organisations or agencies, such as those with special knowledge of vocational guidance questions and with special knowledge of employment market questions (e.g., social and economic planning institutes)?

Yes.

- (c) Do you consider that a committee concerned, among other things, with developing juvenile vocational guidance policy and programme should be maintained at the national level ? This should be left to individual countries to decide.
- (d) Do you consider that such committees should be maintained locally, so far as possible, to help develop and implement policy, to adapt it to local conditions or suggest results of experience to the local and national authorities concerned, and to assist in co-ordinating local vocational guidance activities ? Yes.
28. Have you any other suggestions to make in regard to principles of administrative organisation of vocational guidance for young persons appropriate for inclusion in international regulations ? No.

### B—Adults.

29. (a) Do you consider that the Recommendation should state that administrative responsibility for employment counselling for adult should be entrusted primarily to the employment service ? Yes.
- (b) If so, do you consider that the employment service offices should include, at each administrative level so far as practicable, specialised employment counselling units or personnel ? Yes.
30. Do you consider that the Recommendation should stipulate that arrangements should be made to ensure that employment counselling for adults is developed and applied in the closest co-operation with—
- (i) the authorities responsible for the placement work of the employment service ?
  - (ii) the authorities responsible for the administration of unemployment insurance and assistance and vocational training and retraining schemes and plans to promote labour mobility ?
  - (iii) the authorities responsible for the vocational guidance of young persons ?
  - (iv) the representative organisations of employers and workers ?
- Yes.

### VI—TRAINING OF VOCATIONAL GUIDANCE PERSONNEL.

31. (a) Do you consider that the Recommendation should provide that the competent authorities should take immediate and appropriate measures to ensure to the fullest possible extent the recruitment and specialised training of an adequate number of vocational guidance officers, with suitable training, experience or other qualifications, and that for this purpose Governments, in co-operation with representatives of employers' and workers' organisations and where appropriate of other bodies concerned (such as universities), should take all necessary measures : Yes.
- (i) to establish minimum qualification standards for vocational guidance personnel ?
  - (ii) to maintain regulations or procedures for recruiting and selecting such personnel on a basis of merit ?
  - (iii) to ensure the maintenance, for persons seeking to enter the vocational guidance profession, of specialised training courses, given by or with the approval of the competent public authorities, such courses to include, so far as

- possible, academic instruction, laboratory experience and practical work experience ?
- (iv) to organise basic in-service courses of background training for newly recruited vocational guidance personnel ?
- (v) to organise continued supplementary training and refresher courses for vocational guidance personnel, such courses to include laboratory and research activities where appropriate ?
- (vi) to ensure that the conditions of appointment and employment of vocational guidance personnel are such as to provide an inducement to qualified persons to enter and remain in the profession ?
- (b) Do you consider that the Recommendation should provide that Member States should co-operate, where necessary and practicable, and where desired with the help of the International Labour Office, in the training of vocational guidance personnel by such methods as :
- (i) the provision in one country of training for senior personnel from another country to enable them to acquire broader skill or experience not available in their own country ?
- (ii) the loan of experienced senior vocational guidance personnel from one country to another to help organise training for vocational guidance personnel or to help meet particular short-term needs ?
- (iii) the preparation and provision of handbooks and other materials for the training of vocational guidance personnel ?
- (c) Have you any other suggestions to make concerning the methods by which the training of vocational guidance personnel should be developed and promoted ?

Yes.

Yes.

Arrangements should be made to keep the Vocational Guidance Personnel in close touch with industry to enable them to keep themselves informed of the changing developments and needs of industry.

## VII—VOCATIONAL GUIDANCE RESEARCH AND PUBLICITY.

32. (a) Do you consider that the Recommendation should stipulate that special measures should be taken, on the basis of a co-ordinated plan, to promote and encourage public and private research and experiment with methods and techniques of vocational guidance and employment counselling ?
- (b) Do you consider that such research should include, among other things, examination of—
- (i) the relationship of one occupation or group of occupations to another and the technical analysis of job and career requirements in the different occupations ?
- (ii) the provision of industrial, occupational and employment market information in forms adapted for vocational guidance and employment counselling purposes ?
- (iii) general aptitude and psychological test construction and validation and specialised tests for the technical selection of workers for particular jobs and occupations ?
- (iv) the development of model vocational guidance forms for inscribing material concerning the record of school progress, health, and work experience ?
- (v) methods of organising follow-up for the purpose of evaluating vocational guidance principles and practice ?

Yes.

All very desirable, but there are practical difficulties which cannot be overlooked at least so far as Asian countries are concerned.

33. Do you consider that the Recommendation should specify that the competent authorities should take the necessary measures to ensure the maintenance, under public auspices or under public supervision, of national institutes which include vocational guidance research among their principal duties ?

This would perhaps be going too far specially as many (perhaps most) countries are not yet able to set up such institutes.

34. (a) Do you consider that the Recommendation should state that special and systematic efforts should be made by the authorities responsible for vocational guidance, in co-operation with employers' and workers' organisations and where appropriate with other bodies concerned, to promote wide public understanding of the purposes, principles, and methods of vocational guidance ?

Yes.

(b) Have you any suggestions to make as to the means by which such public understanding may be developed ?

By using recognised methods of publicity.

## APPENDIX VI.

*Item VB.—Revision of Conventions of the I. L. O. Concerning the Night Work of women and young persons.*

Text of Convention (No. 6) concerning the night work of young persons employed in industry (1919).

Proposed Text of Convention (No. ), concerning the night work of children and young persons employed in industry (revised 1948).

*Article 1.*

1. For the purpose of this Convention, the term "industrial undertaking" includes particularly :

(a) Mines, quarries, and other works for the extraction of minerals from the earth.

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up, or demolished, or in which materials are transformed, including ship-building and the generation, transformation, and transmission of electricity or motive power of any kind.

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork or other work of construction as the preparation for or laying the foundation of any such work or structure.

(d) Transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

2. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

1. For the purpose of this Convention, the term "industrial undertaking" includes particularly :

(a) mines, quarries, and other works for the extraction of minerals from the earth ;

(b) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in ship-building or in the generation, transformation or transmission of electricity or motive power of any kind ;

(c) undertakings engaged in building and civil engineering work, including constructional repair, maintenance, alteration and demolition work ;

(d) undertakings engaged in the transport of passengers or goods by road, rail, inland waterway or air, including the handling of goods, at docks, quays, wharves, warehouses or airports.

2. The competent authority shall define the line of division which separates industry from agriculture, commerce and other non-industrial occupations.

3. National laws or regulations may exempt from the application of this Convention employment on work which is not deemed to be harmful, prejudicial, or dangerous to children or young persons in family undertakings in which only parents and their children or wards are employed.

*Article 2.*

1. Young persons under eighteen years of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed except as hereinafter provided for.

(See above, Article 1, paragraph 3, and below, Article 3, paragraphs 1 and 2.)

Text of Convention (No. 6) concerning the night work of young persons employed in industry (1919).

Proposed Text of Convention (No. ), concerning the night work of children and young persons employed in industry (revised 1948).

2. Young persons over the age of sixteen may be employed during the night in the following industrial undertakings on work which, by reason of the nature of the process, is required to be carried on continuously day and night :

(a) Manufacture of iron and steel; processes in which reverberatory or regenerative furnaces are used, and galvanising of sheet metal or wire (except the pickling process).

(b) Glass works.

(c) Manufacture of paper.

(d) Manufacture of raw sugar.

(e) Gold mining reduction work.

#### Article 3.

1. For the purpose of this Convention the term "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.
2. In coal and lignite mines work may be carried on in the interval between ten o'clock in the evening and five o'clock in the morning, if an interval of ordinarily fifteen hours, and in no case of less than thirteen hours, separates two periods of work.
3. Where night work in the baking industry is prohibited for all workers, the interval between nine o'clock in the evening and four o'clock in the morning may be substituted in the baking industry for the interval between ten o'clock in the evening and five o'clock in the morning.
4. In those tropical countries in which work is suspended during the middle of the day, the night period may be shorter than eleven hours if compensatory rest is accorded during the day.

(See above, Article 2 and Article 3, paragraphs 2 and 3.)

#### Article 2.

1. For the purpose of this Convention the term "night" signifies a period of at least twelve consecutive hours, including :
  - (a) in the case of children and young persons under sixteen years of age, the interval between ten o'clock in the evening and six o'clock in the morning ;
  - (b) in the case of young persons who have attained the age of sixteen years but are under the age of eighteen years, the interval between ten o'clock in the evening and five o'clock in the morning.
2. Provided that the competent authority may, after consultation with the employers' and workers' organisations concerned, decide that in the case of young persons employed in a given area, industry, undertaking, or branch thereof, who have attained the age of sixteen years but are under the age of eighteen years, another interval of seven consecutive hours falling between eleven o'clock in the evening and seven o'clock in the morning may be substituted for the interval between ten o'clock in the evening and five o'clock in the morning.

#### Article 3.

1. Children and young persons under eighteen years of age shall not be employed or work during the night in any public or private industrial undertaking or in any branch thereof except as hereinafter provided for.

Text of Convention (No. 6) concerning the night work of young persons employed in industry (1919).

Proposed Text of Convention (No. ) concerning the night work of children and young persons employed in industry (revised 1948).

2. Young persons who have attained the age of sixteen years may be employed during the night in the following industrial undertakings and processes on work which, by reason of the nature of the process, is required to be carried on continuously day and night.
  - (a) manufacture of iron and steel;
  - (b) processes in which reverberatory or regenerative furnaces are used;
  - (c) galvanising of sheet metal or wire (except the pickling process);
  - (d) glass works;
  - (e) manufacture of paper;
  - (f) manufacture of raw sugar;
  - (g) gold mining reduction work.
3. The competent authority shall, after consultation with the employers' and workers' organisations concerned, define the work upon which the young persons designated under paragraph 2 of this Article may be employed at night; young persons who are so employed at night shall enjoy a rest period of at least thirteen consecutive hours between two periods of work.
4. The competent authority may after consultation with the employers' and workers' organisations concerned, permit young persons who have attained the age of sixteen years to be employed during the night in coal and lignite mines if an interval of at least thirteen hours separates two periods of work.
5. Where night work in the baking industry is prohibited for all workers, the interval between nine o'clock in the evening and four o'clock in the morning may, for purposes of vocational training, be substituted for the interval between ten o'clock in the evening and five o'clock in the morning, in the case of young persons who have attained the age of sixteen years.

(See above, Article 3, paragraph 4.)

#### *Article 4.*

1. In countries where the climate renders work by day particularly trying the night period may be shorter than that prescribed in the above articles if compensatory rest is accorded during the day.

Text of Convention (No. 6) concerning the night work of young persons employed in industry (1919).

Proposed Text of Convention (No. ), concerning the night work of children and young persons employed in industry (revised 1948).

#### *Article 4.*

The provisions of Articles 2 and 3 shall not apply to the night work of young persons between the ages of sixteen and eighteen years in case of emergencies which could not have been controlled or foreseen, which are not of a periodical character, and which interfere with the normal working of the industrial undertaking.

(See below, Article 7.)

2. The provisions of Articles 2 and 3 shall not apply to the night work of young persons between the ages of sixteen and eighteen years in case of emergencies which could not have been controlled or foreseen, which are not of a periodical character, and which interfere with the normal working of the industrial undertaking.

#### *Article 5.*

The prohibition of night work may be suspended by the Government, for young persons between the ages of sixteen and eighteen years, when in cases of serious emergency the public interest demands it.

#### *Article 6.*

1. The laws or regulations giving effect to the provisions of this Convention shall:
  - (a) require the competent authority to bring them to the notice of all persons concerned;
  - (b) define the persons responsible for compliance therewith;
  - (c) prescribe adequate penalties for any violation thereof;
  - (d) provide for the maintenance of a system of inspection adequate to ensure effective enforcement;
  - (e) require every employer in an industrial undertaking to keep a register, or to keep available official records showing the names and dates of birth of all persons under eighteen years of age employed by him and their hours of work.
2. The annual reports submitted by Members under Article 22 of the Constitution of the International Labour Organisation shall contain full information concerning such laws and regulations and a general survey of the results of the inspections made in accordance therewith.

### PART II—SPECIAL PROVISIONS FOR CERTAIN COUNTRIES.

#### *Article 7.*

1. Any Member which, before the date of the adoption of the laws or regulations permitting the ratification of this Convention, had laws or regulations restricting the night work of children in industry under an age limit lower than eighteen years may, by a declaration accompanying its ratification, substitute an age limit lower than eighteen years, but in no case lower than sixteen years, for the age limit prescribed in Article 3, paragraph 1.



Text of Convention (No. 6) concerning the night work of young persons employed in industry (1919).

Proposed Text of Convention No. 171 concerning the night work of children and young persons employed in industry (revised 1948).

2. Any Member which has made such a declaration may at any time cancel that declaration by a subsequent declaration.
3. Every Member for which a declaration made in virtue of paragraph 1 of this Article is in force shall indicate each year in its annual report upon the application of this Convention the extent to which any progress has been made with a view to the full application of the provisions of the Convention.

#### Article 5.

In the application of this Convention to Japan, until 1 July 1925, Article 2 shall apply only to young persons under fifteen years of age and thereafter it shall apply only to young persons under sixteen years of age.

#### Article 8.

In the application of this Convention to Japan, Part I shall apply only to young persons under sixteen years of age.

#### Article 6.

In the application of this Convention to India, the term "industrial undertaking" shall include only "factories" as defined in the Indian Factories Act, and Article 2 shall not apply to male young persons over fourteen years of age.

#### Article 9.

1. The provisions of Part I of this Convention shall apply to India subject to the modifications set forth in this Article.
2. The said provisions shall apply to all territories in respect of which the Indian legislature has jurisdiction to apply them.
3. The term "industrial undertaking" shall include—
  - (a) factories as defined in the Indian Factories Act;
  - (b) mines as defined in the Indian Mines Act;
  - (c) all employments covered by the Employment of Children Act, 1938.
4. Article 2, paragraph 1 (a), shall apply to children who have attained the age of thirteen years but are under the age of fifteen years.
5. Article 2, paragraph 1 (b) and paragraph 2, shall apply to young persons who have attained the age of fifteen years but are under the age of seventeen years.
6. Article 3, paragraph 1, and Article 4, paragraph 1, shall apply to children and young persons under the age of seventeen years.
7. Article 3, paragraphs 2, 3, 4 and 5, Article 4, paragraph 2, and Article 5 shall apply to young persons who have attained the age of fifteen years but are under the age of seventeen years.

Text of Convention (No. 6) concerning the night work of young persons employed in industry (1919).

Proposed Text of Convention (No. 6) concerning the night work of children and young persons employed in industry (revised 1948).

8. Article 6 shall apply to children and young persons under the age of seventeen years.

*Article 10.*

1. The provisions of Part I of this Convention shall apply to Pakistan subject to the modifications set forth in this Article.
2. The said provisions shall apply to all territories in respect of which the Pakistan legislature has jurisdiction to apply them.
3. The term "industrial undertaking" shall include—
  - (a) factories as defined in the Factories Act ;
  - (b) mines as defined in the Mines Act ;
  - (c) all employments covered by the Employment of Children Act, 1938.
4. Article 2, paragraph 1 (a), shall apply to children who have attained the age of thirteen years but are under the age of fifteen years.
5. Article 2, paragraph 1 (b) and paragraph 2, shall apply to young persons who have attained the age of fifteen years but are under the age of seventeen years.
6. Article 3, paragraph 1, and Article 4 paragraph 1, shall apply to children and young persons under the age of seventeen years.
7. Article 3, paragraphs 2, 3, 4 and 5, Article 4, paragraph 2, and Article 5 shall apply to young persons who have attained the age of fifteen years but are under the age of seventeen years.
8. Article 6 shall apply to children and young persons under the age of seventeen years.

*Article 11.*

1. The International Labour Conference may, at any session at which the matter is included in its agenda, adopt, by a two-thirds majority draft amendments to any one or more of the preceding article of Part II of this Convention.
2. Any such draft amendment shall state the Member or Members to which it applies, and shall, within the period of one year or, in exceptional circumstances, of eighteen months from the closing of the session of the Conference, be submitted by the Member or Members to which it applies to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

Text of Convention (No. 6) concerning the night work of young persons employed in industry (1919).

Proposed Text of Convention (No. ), concerning the night work of children and young persons employed in industry (revised 1948.)

3. Each such Member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the amendment to the Director-General of the International Labour Office for registration.
4. Any such draft amendment shall take effect as an amendment to this Convention on ratification by the Member or Members to which it applies.

*Article 7.*

(See above Article 5.)

The prohibition of night work may be suspended by the Government, for young persons between the ages of sixteen and eighteen years, when in case of serious emergency the public interest demands it.

Articles 8 to 15 (Standard articles).

**PART III—FINAL ARTICLES.**

(To be inserted in the text by the Drafting Committee—see proposed resolution, Appendix I, page 49.)

**CONVENTION (No. 4) CONCERNING EMPLOYMENT OF WOMEN DURING THE NIGHT.<sup>1</sup>**

The General Conference of the International Labour Organisation of the League of Nations,—

Having been convened at Washington by the Government of the United States of America, on the 29th day of October 1919, and  
Having decided upon the adoption of certain proposals with regard to “women’s employment during the night”, which is part of the third item in the agenda for the Washington meeting of the Conference, and

Having determined that these proposals shall take the form of a draft international convention,  
adopts the following Draft Convention for ratification by the Members of the International Labour Organisation, in accordance with the Labour Part of the Treaty of Versailles of 28th June 1919, and of the Treaty of St. Germain of 10th September 1919:

*Article 1.*

For the purpose of this Convention, the term “industrial undertaking” includes particularly—

- (a) Mines, quarries, and other works for the extraction of minerals from the earth;

<sup>1</sup>This Convention came into force on 13th June 1921. It had been ratified on 1st September 1937 by 30 States: Albania, Argentina, Austria, Belgium\*, Brazil\*, Bulgaria, Chile, Colombia, Cuba, Czechoslovakia, Estonia\*, France, Great Britain\*, Greece\*, Hungary\*, India, Irish Free State\*, Italy, Lithuania, Luxemburg, Netherlands\*, Uruguay, Venezuela and Yugoslavia.

The Convention was revised in 1934 by Convention No. 41.

\*Ratification denounced in consequence of ratification of Convention No. 41.

- (b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding, and the generation, transformation, and transmission of electricity or motive power of any kind;
- (c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

### Article 2.

For the purpose of this Convention, the term "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

In those countries where no Government regulation as yet applies to the employment of women in industrial undertakings during the night, the term "night" may provisionally, and for a maximum period of three years, be declared by the Government to signify a period of only ten hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

### Article 3.

Women without distinction of age shall not be employed during the night in any public or private industrial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed.

### Article 4.

Article 3 shall not apply—

(a) In cases of *force majeure*, when in any undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character.

(b) In cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve the said materials from certain loss.

### Article 5.

In India and Siam, the application of Article 3 of this Convention may be suspended by the Government in respect to any industrial undertaking, except factories as defined by the national law. Notice of every such suspension shall be filed with the International Labour Office.

*Article 6.*

In industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it, the night period may be reduced to ten hours on sixty days of the year.

*Article 7.*

In countries where the climate renders work by day particularly trying to the health, the night period may be shorter than prescribed in the above articles, provided that compensatory rest is accorded during the day.

*Article 8.*

The formal ratifications of this Convention, under the conditions set forth in Part XIII of the Treaty of Versailles of 28th June 1919, and of the Treaty of St. Germain of 10th September 1919, shall be communicated to the Secretary-General of the League of Nations for registration.

*Article 9.*

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, protectorates and possessions which are not fully self-governing:

(a) Except where owing to the local conditions its provisions are inapplicable; or

(b) Subject to such modifications as may be necessary to adapt its provisions to local conditions.

Each Member shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

*Article 10.*

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation.

*Article 11.*

This Convention shall come into force at the date on which such notification is issued by the Secretary-General of the League of Nations, but it shall then be binding only upon those Members which have registered their ratifications with the Secretariat. Thereafter this Convention will come into force for any other Member at the date on which its ratification is registered with the Secretariat.

*Article 12.*

Each Member which ratifies this Convention agrees to bring its provisions into operation not later than 1 July 1922, and to take such action as may be necessary to make these provisions effective.

*Article 13.*

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the Secretariat.

*Article 14.*

At least once in ten years, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention, and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

*Article 15.*

The French and English texts of this Convention shall both be authentic.

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**CONVENTION (No. 41) CONCERNING EMPLOYMENT OF WOMEN  
DURING THE NIGHT (REVISED 1934).<sup>1</sup>**

The General Conference of the International Labour Organisation of the League of Nations,—

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighteenth Session on 4th June 1934, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention concerning employment of women during the night adopted by the Conference at its First Session, which is the seventh item on the Agenda of the Session, and

Considering that these proposals must take the form of a Draft International Convention,

adopts, this nineteenth day of June of the year one thousand nine hundred and thirty-four, the following Draft Convention which may be cited as the Night Work (Women) Convention (Revised), 1934:

*Article 1.*

1. For the purpose of this Convention, the term "industrial undertaking" includes particularly:

- (a) Mines, quarries, and other works for the extraction of minerals from the earth;
- (b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding, and the generation, transformation, and transmission of electricity or motive power of any kind;
- (c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

2. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

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<sup>1</sup>This Convention came into force on 22nd November 1936. It had been ratified on 1st September 1937 by 11 States: Belgium, Brazil, Estonia, Great Britain, Greece, Hungary, India, Irish Free State, Netherlands, South Africa and Switzerland.

*Article 2.*

1. For the purpose of this Convention, the term "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning:

2. Provided that, where there are exceptional circumstances affecting the workers employed in a particular industry or area, the competent authority may, after consultation with the employers' and workers' organisations concerned, decide that in the case of women employed in that industry or area, the interval between eleven o'clock in the evening and six o'clock in the morning may be substituted for the interval between ten o'clock in the evening and five o'clock in the morning.

3. In those countries where no Government regulation as yet applies to the employment of women in industrial undertakings during the night, the term "night" may provisionally, and for a maximum period of three years, be declared by the Government to signify a period of only ten hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

*Article 3.*

Women without distinction of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

*Article 4.*

Article 3 shall not apply—

- (a) In cases of *force majeure*, when in any undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character.
- (b) In cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve the said materials from certain loss.

*Article 5.*

In India and Siam, the application of Article 3 of this Convention may be suspended by the Government in respect to any industrial undertaking, except factories as defined by the national law. Notice of every such suspension shall be filed with the International Labour Office.

*Article 6.*

In industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it, the night period may be reduced to ten hours on sixty days of the year.

*Article 7.*

In countries where the climate renders work by day particularly trying to the health, the night period may be shorter than prescribed in the above articles, provided that compensatory rest is accorded during the day.

*Article 8.*

This Convention does not apply to women holding responsible positions of management who are not ordinarily engaged in manual work.

*Article 9.*

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

*Article 10.*

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

*Article 11.*

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the Secretariat, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

*Article 12.*

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

*Article 13.*

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the Agenda of the Conference the question of its revision in whole or in part.

*Article 14.*

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 12 above, if and when the new revising Convention shall have come into force;



- (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

*Article 15.*

The French and English texts of this Convention shall both be authentic.

**DRAFT TEXT OF THE PROPOSED REVISING CONVENTION.**

**Proposed Text of Convention (No.       ) concerning Night Work of Women Employed in Industry (Revised 1948).**

The General Conference of the International Labour Organisation,—

Having been convened at San Francisco by the Governing Body of the International Labour Office, and having met in its Thirty-first Session on 17th June 1948, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Night Work (Women) Convention, 1919, adopted by the Conference at its First Session, and the Night Work (Women) Convention (Revised), 1934, adopted by the Conference at its Eighteenth Session, which is the ninth item on the agenda of the session, and

Considering that these proposals must take the form of an International Convention,

adopts this                day of July of the year one thousand nine hundred and forty-eight the following Convention, which may be cited as the Night Work (Women) Convention (Revised), 1948:

**PART I.—GENERAL PROVISIONS.**

*Article 1.*

1. For the purpose of this Convention, the term “industrial undertaking” includes particularly—

- (a) mines, quarries, and other works for the extraction of minerals from the earth;
- (b) undertakings in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including undertakings engaged in shipbuilding or in the generation, transformation or transmission of electricity or motive power of any kind;
- (c) undertakings engaged in building and civil engineering work including constructional, repair, maintenance, alteration and demolition work.

2. The competent authority shall define the line of division which separates industry from agriculture, commerce and other non-industrial occupations.

*Article 2.*

1. For the purpose of this Convention, the term "night" signifies a period of at least eleven consecutive hours, including interval between ten o'clock in the evening and five o'clock in the morning.

2. Provided that the competent authority may, after consultation with the employers' and workers' organisations concerned, decide that, in the case of women employed in a given area, industry, undertaking or branch thereof, another interval of seven consecutive hours falling between eleven o'clock in the evening and seven o'clock in the morning may be substituted for the interval between ten o'clock in the evening and five o'clock in the morning.

3. (*See below, Part II, Article 9.*)

*Article 3.*

Women without distinction of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

*Article 4.*

Article 3 shall not apply—

- (a) in cases of *force majeure*, when in any undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character;
- (b) in cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve the said materials from certain loss.

(*See below, Part II, Articles 10 to 13.*)

*Article 5.*

The prohibition of night work for women may be suspended by the Government in specified undertakings when in case of serious emergency the national interest demands it.

*Article 6.*

In industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it, the night period may be reduced to ten hours on sixty days of the year.

*Article 7.*

In countries where the climate renders work by day particularly trying, the night period may be shorter than that prescribed in the above articles if compensatory rest is accorded during the day.

*Article 8.*

This Convention does not apply to—

- (a) women holding responsible positions of a managerial or technical character; and
- (b) women employed in health and welfare services.

## PART II—SPECIAL PROVISIONS FOR CERTAIN COUNTRIES.

*Article 9.*

In those countries where no Government regulation as yet applies to the employment of women in industrial undertakings during the night, the term "night" may provisionally, and for a maximum period of three years, be declared by the Government to signify a period of only ten hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

*Article 10.*

In Siam, the application of Article 3 of this Convention may be suspended by the Government in respect to any industrial undertaking, except factories as defined by the national law. Notice of every such suspension shall be filed with the International Labour Office.

*Article 11.*

1. The provisions of this Convention shall apply to India subject to the modifications set forth in this Article.

2. The said provisions shall apply to all territories in respect of which the Indian legislature has jurisdiction to apply them.

3. The term "industrial undertaking" shall include—

- (a) factories as defined in the Indian Factories Act; and
- (b) mines as defined in the Indian Mines Act.

*Article 12.*

1. The provisions of this Convention shall apply to Pakistan subject to the modifications set forth in this Article.

2. The said provisions shall apply to all territories in respect of which the Pakistan legislature has jurisdiction to apply them.

3. The term "industrial undertaking" shall include—

- (a) factories as defined in the Factories Act;
- (b) mines as defined in the Mines Act.

*Article 13.*

1. The International Labour Conference may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority draft amendments to any one or more of the preceding articles of Part II of this Convention.

2. Any such draft amendment shall state the Member or Members to which it applies, and shall, within the period of one year or, in exceptional circumstances, of eighteen months from the closing of the session of the Conference, be submitted by the Member or Members to which it applies to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

3. Each such Member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the amendment to the Director-General of the International Labour Office for registration.

4. Any such draft amendment shall take effect as an amendment to this Convention on ratification by the Member or Members to which it applies.

### PART III—FINAL ARTICLES.

(To be inserted in the text by the Drafting Committee—see proposed resolution, Appendix I.)

### APPENDIX VII.

#### *Item VI.—Memorandum on implementation of the Industrial Statistics Act, 1942.*

1. The Industrial Statistics Act passed in 1942 provides for the collection on a statutory basis of (a) any statistics relating to factories and (b) statistics relating to welfare and conditions of labour. The administration of the clauses relating to (a) is the responsibility of the Ministry of Industries and Supplies. That Ministry is already making use of the Act for this purpose. The administration of the clauses relating to labour statistics is the responsibility of the Ministry of Labour. So far, this Act has not been made use of for the collection of labour statistics, although proposals were under consideration in 1944 for the collection of statistics, on employment, earnings and industrial disputes under the Act. These were not, however, pursued for various reasons.

2. The Labour Bureau has now made certain proposals for the collection of statistics on the following subjects mentioned in clause (h) of sub-section (1) of section 3 of the Act:—

- (1) Employment and Unemployment.
- (2) Attendance.
- (3) Wages and Earnings.
- (4) Hours of Work.
- (5) Industrial and Labour Disputes.

In regard to item (5), statistics are being collected on a voluntary basis and it is proposed to adopt the present forms with minor changes.

In respect of the other items, it is proposed to cover, in the first instance later in, (a) factories regulated under the Factories Act, (b) tea, coffee and rubber plantations, (c) railways, (d) tramways, (e) motor transport and (f) ports.

In preparing the schedules for collecting the above information, the following objectives were kept in mind:—

(1) Priority should be given to statistics which are of immediate importance from the point of view of administrative requirements.

(2) Considering the fact that employers are not yet statistically minded and do not have the necessary statistical staff, to begin with, the minimum but reliable serial information should be called for instead of omnibus returns.

(3) In regard to the statistics proposed to be collected, it is necessary to conform as far as possible to international standards laid down by I. L. O. in their Conventions and Recommendations.

Two schedules have been designed: one on employment and attendance and the other on earnings and hours of work separately for each one of the sectors (i) factories, (ii) plantations and (iii) tramways and motor transport. Form (A) deals with Employment and Attendance and calls for the minimum information every month. Form (B) deals with earnings and hours of work and calls for information in respect of one wage period every quarter. With the information obtained in this form the Government of India would be able to ratify Part II of the I. L. O. Convention No. 63 on Statistics of Ages and Hours. Similar forms for Mines have been accepted at the Tripartite Conference for being prescribed under the Indian Mines Act. Forms have also been designed for Railways and Ports Labour and are under reference to the Ministries concerned. It is also the intention to collect at least annually wage data in respect of the principal occupations in principal industries but in the absence of standardised occupational nomenclature, this could not be proceeded with at this stage.

3. The main responsibility for the collection of these statistics rests with the Provinces but under section 11 of the Act the Centre may give directions for carrying into execution of the Act in the Provinces. This is necessary in order to secure uniformity in scope, procedure and method followed in the collection of statistics in the various Provinces. It appears, however, that the Ministry of Industries and Supplies, who are responsible for the administration of section 3(1)(a) of the Act, is compiling centrally the statistics collected under the Census of Manufacturing Industries Rules. But such a scheme may not be suitable for Labour statistics, because the returns are monthly and quarterly and secondly the coverage is vast. Further, the Provincial authorities being in closer touch with the establishments will find it more convenient to scrutinise and compile the returns than any Central Organisation. It is, therefore, proposed that the primary compilation should be done by the Provinces in the manner prescribed by the Centre and sent to the Centre where they will be collated on an all-India basis. Provincial Governments may, however, carry out any additional tabulations that they may require for their own administrative purposes.

4. It would be desirable that the States also co-operate in collecting these important all-India Labour Statistics.

5. To sum up—

The following are the main points for discussion:—

- (1) The desirability of utilising the Industrial Statistics Act, 1942, for collecting statistics relating to labour problems.
- (2) The suitability of the forms drafted.
- (3) The States should also co-operate in collecting the statistics.
- (4) The responsibility for the primary compilation of statistics should be that of the Provincial and States Governments.

**CONFIDENTIAL.****FACTORIES.**

[To be submitted to the Statistics Authority within 10 days of the close of the month to which the return relates.]

**INDUSTRIAL STATISTICS ACT, 1942.****LABOUR STATISTICS RULES, 1948.****Form A.**

Monthly return on Employment and Attendance for the month of.....19 ..

1. Name of the Factory.....  
Industry.....Perennial/Seasonal.
  2. Address: Place.....District.....  
Province.....
  3. Number of workers (a) on rolls on the 1st of the month—  
Men ...  
Women ...  
Children ...  
Total ...
  4. Number of working days during the month.....
  5. Total number of man-shifts scheduled to work during the month (b).  
.....
  6. Total number of man-shifts worked during the month by workers (c) on books  
.....
  7. Total number of man-shifts lost during the month by absence due to—  
(A) Sickness or accident.....  
(B) Other causes.....
  8. Total number of man-shifts worked by substitute (*badli*) labour during the month (c).....
  9. Remarks (f).....
- Certified that the information given above is correct.

Signature.....

Designation.....

**Instructions.**

(a) For definition of a "worker" please see Factories Act, 1934. Workers below 15 should be considered as children. Adolescents (i.e., workers above 15 and below 17) if not certified as adults should also be considered as children.

(b) Total number of man-shifts scheduled to work is obtained by adding the number of workers scheduled to work on each shift of each working day of the month. An employee is to be considered as scheduled to work on a shift if he is a worker on the books and the employer has work available for him on that shift. A worker is not to be considered as scheduled to work (a) on days on which he has been ordered to lay off (b) on days on which he is on strike (c) if he is a substitute (*badli*) labourer.

(c) Total number of man-shifts worked during the period is obtained by adding the number of man-shifts worked during each working day of the month.

(d) Total number of man-shifts absent is obtained by adding the number of workers scheduled to work, absent on each of the working days during the month.

(e) Total number of man-shifts worked by substitutes is obtained by adding the numbers of substitutes who worked on each shift on all days.

(f) If there be any marked increase or decrease in employment or attendance, please account for it.

**CONFIDENTIAL.****FACTORIES.**

[To be submitted to the Statistics Authority within three weeks of the close of the quarter to which the return relates.]

**INDUSTRIAL STATISTICS ACT, 1942.****LABOUR STATISTICS RULES, 1948.****Form B.***Quarterly return on Hours of Work and Earnings.*

1. Name of the Factory ..... Industry.....  
Perennial (1)/Seasonal.
2. Address: Place..... District.....  
Province.....
3. Number of working days in the quarter.....
4. Period to which the return relates and number of working days in the period (a)....  
.....
5. Table (b)—

	Average daily attendance during the period. (c)	Aggregate number of man-hours worked during the period. (d)		Total cash earnings during the period. (e)				Estimated money value of concessions in kind during the period. (g).
		Normal.	Overtime.	Basic wages.	Overtime wages.	Allowances and other payments. (f)	Total.	
Men ..								
Women ..								
Boys ..								
Girls ..								

## 6. Normal hours of work—

1st shift : from.....to.....  
 2nd shift : from.....to.....  
 3rd shift : from.....to.....

7. Please furnish details regarding revisions in basic wages and hours of work during this quarter, if any.
8. Please furnish details regarding the schemes of dearness allowances, bonuses, etc. If the dearness allowance is linked to the cost of living index, the details as to how the amount is calculated may be furnished. Indicate any revisions made or proposed to be made in this respect.
9. Remarks (h).

Certified that the information given above is correct.

Signature.....

Designation.....

**Instructions.**

(a) The information given in the return should relate to the last complete wage period in the quarter.

(b) Information given in the tabular form should relate to workers as defined under the Factories Act, 1934. Workers below 15 should be considered as children ; workers above 15 and below 17 if not certified as adults, should be considered as children.

(c) Average daily attendance is obtained by dividing the aggregate number of attendance in all the shifts on all working days during the period by the number of working days. Absences in hours only need not be considered. Days on which the undertaking was closed for whatever cause, should not be treated as working days.

(d) Aggregate number of man-hours worked during the period is obtained by adding up the number of man-hours worked in all shifts on all working days. The number of man hours worked in each shift is the product of the number of workers and the number of hours worked on the particular shift. If the number of hours worked varies from worker to worker, the total number of man-hours worked on the shift is obtained by summing up the number of hours worked by each worker.

(e) Include all cash payments, deductions under Payment of Wages Act and taxes payable and deducted if any.

(f) This should include dearness allowances and bonuses if any earned and paid more or less regularly during each wage period. Annual bonuses, etc., should be excluded even if they are paid during the wage period.

(g) This should be worked out by taking into consideration the loss incurred by management on account of issue of food grains, cloth, fuel, etc., at concessional prices. Please furnish details separately of the quantities of various items provided at the concessional prices at which they are supplied.

(h) If there is any marked increase or decrease in earnings or hours of work; as compared to the previous quarter, please account for it.

(i) Strike out the term not applicable.

**CONFIDENTIAL.**

**PLANTATIONS.**

*[To be submitted to the Statistics Authority within 10 days of the close of the month to which the return relates.]*

## **INDUSTRIAL STATISTICS ACT, 1942.**

### **LABOUR STATISTICS RULES, 1948.**

#### **Form A.**

#### *Monthly return on Employment and Attendance\*.*

1. Name of the estate.....Product.....  
Tea/Coffee/Rubber.
2. Address: Place.....District.....  
Province.....
3. Number of working days during the month.....
4. Number of workers (a) on roll on the 1st of the month. Mon. Women. Children.
5. Total number of man-days (b) worked during the month.—
6. Total number of man-days (c) absent during the month due to—  
(A) Sickness.....  
(B) Other causes.....
7. Remarks (d).

Certified that the information given above is correct.

*Signature*.....

*Designation*.....

\*Separate returns should be furnished for settled and *basti* labour.

#### **Instructions.**

- (a) "Workers" should include only labourers in plantation estates and should exclude workers in Plantation Factories and clerical and supervisory staff workers below sixteen should be considered as children.
- (b) Total number of man-days worked during the month is obtained by adding the number of man-days worked during each working day of the month.
- (c) Total number of man-days absent is obtained by adding the number of workers absent on each of the working days of the month.
- (d) If there is any marked increase or decrease in employment or attendance, please account for it.



**CONFIDENTIAL.****PLANTATIONS.**

[To be submitted to the Statistics Authority within three weeks of the close of the quarter to which the return relates.]

**INDUSTRIAL STATISTICS ACT, 1942.****LABOUR STATISTICS RULES, 1948.****Form B.***Quarterly return on Hours of Work and Earnings.*

1. Name of the estate.....Product.....  
Tea/Coffee/Rubber (a).
2. Address : Place.....District.....  
Province.....
3. Period to which the return relates (b) and the number of working days therein.....  
.....
4. (c) Hours and Earnings—

	Average daily attendance during the period (d).	Total cash earnings during the period (e).			Estimated money value of concessions in kind given during the period (g).
		Wages.	Allowances and other cash payments (f).	Total.	
<i>Settled.</i>					
Men .. ..					
Women .. ..					
Children .. ..					

	Average daily attendance during the period (d).	Total cash earnings during the period (e).			Estimated moneys value of concession in kind given during the period (g).
		Wages.	Allowances and other cash payments (f).	Total.	
<i>Basti.</i>					
Men .. ..					
Women .. ..					
Children .. ..					

5. Normal hours of work.....
6. Please furnish details regarding revisions in basic wages and hours of work during the quarter, if any.....
7. Please furnish details regarding dearness allowances and bonuses. If the dearness allowance is linked with the cost of living details as to how the amount is worked out may be furnished. Indicate any revisions made of or proposed to be made in this respect.....
8. Remarks (h).....

Certified that the information given above is correct.

Signature.....

Designation.....

**Instructions.**

- (a) Please strike out the term not applicable.
- (b) The information should relate to the last complete wage period in the last month of the quarter.
- (c) The information should relate to workers in plantation estates and should exclude workers in the Plantation Factories and clerical and supervisory staff. Children means workers below 16.
- (d) The average daily attendance is obtained by dividing the aggregate total attendance during the pay period by the number of working days during the pay period. The aggregate total attendances are obtained by summing up the numbers of workers that attended on each working day of the pay period.
- (e) Include all cash payments deductions under Payment of Wages Act and taxes payable and deducted if any.
- (f) This should include dearness allowances and bonuses if any earned and paid more or less regularly during each wage period. Annual bonuses, etc., should be excluded even if they are paid during the wage period.
- (g) This should be worked out by taking into consideration the loss incurred by management on account of issue of foodgrains, cloth, fuel, etc., at concessional prices. Please furnish details separately of the quantity of the various items provided and the concessional prices at which they are supplied.
- (h) If there is any marked increase or decrease in the earnings or hours of work, please account for it.

**CONFIDENTIAL.**

**TRAMWAYS/MOTOR**  
**TRANSPORT\***  
**(Other than workshops)**

[To be submitted to the Statistics Authority within 10 days of the close of the period to which the return relates.]

**INDUSTRIAL STATISTICS ACT, 1942.**  
**LABOUR STATISTICS RULES, 1948.**

**Form A.**

*Monthly return on Employment and Attendance.*

1. Name of the Company.....
2. Address.....Place.....
- District.....Province.....

	Drivers.	Conductors.	Inspectors.	Other staff.	Total.
No. of workers (a) on registers on the 1st of the month					
No. of man-days worked (b) during the month ..					
No. of man-days lost by absence (c) (other than on rest days) due to—					
(1) Sickness or accident .. ..					
(2) Other causes .. ..					

4. (1) Do you allow weekly holidays to the workers?.
- (2) If not, what is the alternative system of rest days?.
5. Remarks (d).

Certified that the information given above is correct.

Signature.....

Designation.....

\*Furnish separate returns for passenger transport and goods transport.

**Instructions.**

- (a) "Workers" should include all employees and exclude management.
- (b) Total number of man-days worked during the month is obtained by adding together the number of man-days worked on each day of the month.
- (c) Total number of man-days absent during the month is obtained by adding together the number of workers absent on each day of the month. Man-days lost by absence due to strike should be excluded.
- (d) If there is any marked increase or decrease in employment or attendance, please account for it.

**CONFIDENTIAL.****TRAMWAYS/MOTOR  
TRANSPORT****(Other than workshops).**

[ To be submitted to the Statistics Authority within three weeks of the close of the quarter to which the return relates.]

**INDUSTRIAL STATISTICS ACT, 1942.****LABOUR STATISTICS RULES, 1948.****Form B.***Quarterly return on Hours of Work and Earnings.*

1. Name of the Company.....
2. Address..... Place.....  
District..... Province.....
3. Period to which the return relates(a).....
4. Table (b)—

	Average daily attendance during the period (c).	Aggregate number of man-hours worked during the period (d).		Total cash earnings during the period (e).				
		Normal.	Overtime.	Basic wages.	Overtime wages.	Allowances (f) and other cash payments.	Total.	Estimated money value of concessions in kind given during the period (g).
Drivers ..								
Conductors ..								
Inspectors ..								
Others ..								
Total ..								

5. Please indicate the normal daily hours of work, the actual timings and the rest intervals, if any.
6. Please furnish details regarding revisions in basic wages and hours of work during the quarter, if any.
7. Please furnish details regarding the scheme of dearness allowance, bonus, etc. If the dearness allowance is linked with the cost of living index, the details as to how the amount is calculated may be furnished. Indicate any revisions made or proposed to be made in this respect.
8. Remarks (h).

Certified that the information given above is correct.

Signature.....

Designation.....

**Instructions.**

(a) The information given in the return should relate to the last complete wage period in the quarter.

(b) Information given in the tabular form should relate to all employees and exclude management.

(c) Average daily attendance is obtained by dividing the aggregate number of attendance on all working days during the period by the number of working days.

(d) Aggregate number of man-hours worked during the period is obtained by adding the number of man-hours worked on all working days. The number of man-hours worked on each day is obtained by summing up the number of hours worked by each worker on that day.

(e) Include all cash payments, deductions, and taxes payable and deducted if any.

(f) This should include dearness allowances and bonuses if any earned and paid more or less regularly during each wage period. Annual bonuses, etc., should be excluded even if they are paid during the wage period.

(g) This should be worked out by taking into consideration the loss incurred by the management on account of issue of foodgrain, cloth, fuel, etc., at concessional prices. Please furnish details separately of the quantities of the various items provided at the concessional prices at which they are supplied.

(h) If there is any marked increase or decrease in earnings or hours of work as compared to the previous quarter, please account for it.

## APPENDIX VIII.

*Item VII—Memorandum on compulsory Provident Funds for industrial workers.*

There is now a general recognition of the need for organising social security services. These services include medical aid and monetary grant or cash compensation in the case of maternity, sickness and employment injury; cash payments during unemployment and in old age, and in the event of the death of the bread-winner, to his dependents.

2. There has been, for some years past, a strong demand from the workers' organisations for the institution of social security schemes. The Employees' State Insurance Bill, now before the Indian Legislature, provides for the institution of a unified scheme for the grant of maternity and sickness benefits and employment injury compensation. It is now necessary to consider the question of devising a scheme which will make provision for old age and for the support of dependents in the event of the death of the bread-winner. These benefits are provided in other countries in the form of old-age and survivors' pensions, either by means of social insurance or social assistance schemes. In either case, they involve substantial subsidies from public funds. Central and Provincial Governments in India are, at the moment, unable to provide these subventions by reason of the large outlay which they have to incur on other essential social services, like health and medical services, free and compulsory education and on development schemes for increasing production and employment to which high priority must be accorded. The introduction of a Pension Scheme will also have to be preceded by a detailed investigation into the average periods of employment and rates of mortality, which necessarily will take time to complete. Moreover, a pension scheme is not likely to be of as much benefit as a Provident Fund Scheme to a population of industrial workers with a large turnover, such as is the case in India. The only immediately feasible method, in the circumstances, is to make provision for old age by the institution of compulsory Provident Fund and Life Insurance Schemes. Indeed, that this is generally accepted by Governments, employers and workers, will be seen from the fact that the resolution on social security, which recognised that "Government of Asian Countries would be unable for some time to afford substantial subsidies to finance old-age and survivors' pension schemes by reason of the large outlay they have to make for social services to which a higher priority should be accorded" recommended that "as first steps towards making adequate provision against risks of old age and death" measures should be taken for—

“(a) the institution of compulsory provident funds for as many categories of workers as possible and in particular for all regulated labour, and

(b) the extension of the scope of the existing State-managed insurance schemes (such as Postal Insurance Scheme, administered by the Government of India) or the introduction of such schemes for the benefit of persons of small means.”

was passed unanimously at the Preparatory Asian Regional Conference held in October-November 1947 at New Delhi.

3. Provident Funds are already being maintained by some industrial employers. A perusal of the details of the schemes shows however that they are usually restricted to clerical and supervisory staff, and that only in a few cases are workers in general covered by the Provident Fund schemes.

Even so, it is only the permanent employees who generally get the benefits. A very large proportion of industrial concerns have no Provident Funds at all.

4. It may be noted, in this connection, that a decision has been taken to institute a compulsory Provident Fund scheme for all colliery workers, in pursuance of a unanimous recommendation of the Colliery Conciliation Board, which submitted its Report early in 1947. The question of instituting Provident Funds in other industries has been engaging the attention of the Government. It is, therefore, appropriate that the Labour Conference should consider the best ways in which a compulsory Provident Fund and Insurance Scheme for workers in industry could be introduced as a first step towards provision against the risks of old age and death of the 'breadwinner'.

5. If the conference agrees with the view that the time is now ripe for the institution of compulsory Provident Fund schemes for industrial workers in general, the question arises whether the Provident Fund schemes should not be supplemented by some scheme of life insurance. The latter is necessary for the reason that a Provident Fund scheme yields benefit mainly to those who have put in a substantial period of service and have been, themselves, able, during that period, to contribute an appreciable amount and earn a similar amount by way of employers' contribution. People dying young or in early middle age will not have sufficient amounts to their credit in the Provident Fund to provide any real benefit to their dependents.

6. Insurance may either be optional or compulsory. If it is optional, the benefit will accrue only to those who have the foresight to cover the risk by insurance. A compulsory scheme of insurance, on the other hand, would provide benefits for dependents in all cases, and, because of its wide coverage, be cheaper. A compulsory scheme can be either a group insurance or individual life insurance. In individual life insurance there is the risk of lapse and consequent loss to the workers, if he is unable to continue the payment of premia during periods of unemployment or because of his being obliged to leave employment for one reason or another. In view of these difficulties, group insurance would be preferable. If the cover is limited to cases of death while in employment, not only will all essential requirements be met, but the cost can also be kept low.

7. If a scheme for the institution of compulsory Provident Funds covering industrial workers is generally accepted, the following questions will need consideration:—

- (a) what minimum qualifications regarding service as a worker should be prescribed for entry into the scheme, so as to exclude the purely casual workers;
- (b) what should be rate of contribution; the generally accepted rate is 1/16th of the salary, but in the Railways, contribution is levied at 1/12th, the employer contributing an equal amount;
- (c) whether the funds should be maintained and administered by individual units or whether they should be managed by a central organisation; the advantages of the latter course are that there would be continuity, even if the worker changes employment from one unit of industry to another, and that it would provide an effective safeguard against frequent withdrawals and consequent frittering away of the funds;

(d) if a central fund is preferred it may not be possible to have all the accounts administered centrally *ad initio*; it may take some time to set up a suitable organisation and till the central organisation is in a position to take over the administration of all the funds, provision should be made for the maintenance of industrial funds;

(e) if individual concerns are to maintain Provident Funds, should small concerns be exempted and, if so, what should be the criteria for determining exemption?

8. To sum up, the conference is requested to consider—

(a) whether schemes of compulsory Provident Fund should be set up covering all industrial workers.

(b) If the answer to (a) is in the affirmative, to consider the points set out in paragraph 7 above, and

(c) whether a part of the contribution to the Provident Fund should be utilised to provide a scheme of compulsory insurance against the risks brought about by death, while in employment.

## APPENDIX IX.

*Item VIII—Memorandum on Decasualisation of Labour in Main Industries.*

As a beginning, a scheme for the decasualisation of textile labour in the Province has been prepared by the Government of Bombay. A copy of the scheme is attached. The Provincial Labour Advisory Board, has set up a committee consisting of six members with the Joint Secretary to Government, Labour Department, as the convener, to consider the scheme. The report of the committee will be considered by the Provincial Labour Advisory Board, at its next meeting early in March.

At a meeting of their representatives held by the Joint Secretary this month, it was found that the Textile Unions in the Province are strongly in favour of such decasualisation. They desire that the *Badli* Control System should be completely done away with and replaced by a full fledged decasualisation scheme, although the representative of the Mill Mazdoor Sabha are of opinion that decasualisation was not going to be of any material benefit to labour unless properly organised labour market was first brought into existence—by which he meant that occupations, standards of work and wages as well as the man-power requirement of the industry should be fixed.

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### A SCHEME FOR THE DECASUALISATION OF TEXTILE WORKERS IN THE BOMBAY PROVINCE.

#### Explanatory memorandum.

**Introduction.**—The engagement of labour, a matter of vital importance to every industry, has not received in this country the close and careful attention it deserves. In almost all industrially advanced countries, the engagement of labour is the function of management. Unfortunately, in this country, the work is left to intermediaries, who hold almost a complete sway over the workers.

The intermediary in the textile industry is the jobber. He is not only the *de-facto* recruiter, but also the personnel officer largely exercising, in practice, the powers of engagement, promotion and dismissal. For giving a job, temporary or permanent, or for giving promotion, he usually exacts a monetary reward. He also sometimes exacts a monthly payment by keeping the sword of dismissal hanging over his head. The result is that recruitment of labour becomes a matter of bribery, corruption and favouritism.

It is not, however, only the worker who suffers under this system. The employer also equally does so. A jobber must create vacancies to fill his pockets. His interest, therefore, lies in as much casualisation as possible. Dismissing workers on the slightest pretext, he engages raw or incompetent workers, when experienced and efficient workers roam about for want of employment. The high rate of labour turnover, which this implies, leads to the reduction of skill and efficiency of workers, higher up-keep and depreciation charges for machinery and diminished output of industry. The competitive power of an organised industry depends, to a considerable extent on the experience and efficiency of its workers, which the methods of the jobber are not calculated to promote.



The "*Badli*" control system now in force at Bombay and Sholapur is, of course, an improvement over the pure jobber system. It has undoubtedly helped to check the powers of the jobber in the employment of labour. It cannot, however, be claimed that it has succeeded in entirely dissociating him from the work of recruitment. It is still possible for him, particularly in the mills where the system is not properly worked, to exact illegal gratification from *Badlis* seeking employment and to give, for permanent employment, preference to raw recruits coming from the villages, who happen to be his relations or friends, even when senior *Badlis* have been waiting for a longer period.

An organisation is, therefore, needed to take over recruitment from the jobber and to deal directly with the mills. That organisation can best be an Employment Exchange.

**The nature of the problem.**—The daily fluctuations in employment in the mills demand that a pool of workers should be available to meet day-to-day requirements. In times of pressure, there is likely to be a shortage; in periods of depression, a surplus. To avoid wastage of human material, this common pool should neither be too large nor too small to meet the day-to-day demands. It is necessary, therefore, to regulate the number of workers in the textile industry by the creation of a common pool of workers.

Under the *Badli* control system, *Badlis* are assigned to each mill. This results in *Badlis* of one mill going without work even when some other mill has run short of *Badlis*. In addition to the regulation of numbers, therefore, an arrangement must exist to switch *Badlis* from the place they are not wanted to the place where they are.

The question of new entrants to the industry has also so far received no consideration at all. No systematic arrangements for training have been made and no distinction at present exists between raw recruits and experienced workers.

In essence, therefore, the problem is one of decasualisation and training.

**Decasualisation schemes in other countries.**—Valuable experiments in decasualisation have been made during the recent war in connection with the employment of dock workers. Several schemes were in force but their broad features were the same.

The essence of the schemes was the creation of a common register, entry to which was, *inter alia* dependent on the immediate requirements of the industry. An allocating authority was created and the employers undertook to engage only workers on such register and according to the orders of the allocating authority. Workers also likewise undertook to serve only such employers as were approved by the allocating authority.

The workers on the register formed a common pool and were liable to serve any employer to whom they were sent by the allocating authority. Those who could not be found work were given what was variously called attendance money, waiting pay or pool pay. It was, of course, a condition precedent for the payment of this amount that they should be available for work and undertake such work as was assigned to them. All the wages were paid through the allocating authority.

The cost of the administration of such schemes as well as the money required for the payment of pool wages were recovered by the allocating authority in the form of a percentage levy on the total wage bill. The schemes, of course, had the sanction of war-time legislation behind them.

**The proposed scheme.**—Legal sanction, however, is not absolutely essential for the introduction of such schemes. Such schemes can be introduced by a tripartite agreement between the Provincial Government, the employers and the workers. It is proposed that this scheme should be introduced in this manner.

The aim of the scheme is to rationalize recruitment in the textile industry. Complete rationalization would, logically speaking, involve the abolition of the *Badli* control system. It is, however, not proposed to abolish it in the transitional period. It is also not proposed in the first instance to attempt decasualization between one mill and another. In other words, the *Badli* control system would continue. The provision regarding waiting pay would also be not enforced. The scheme, however, pre-supposes the existence of the *Badli* control system.

### Decasualisation scheme.

1. **Name of the scheme.**—This scheme shall be known as the Textile Workers' Decasualisation Scheme.

2. **Manner of introducing the scheme.**—This scheme shall come into force at such date and at such place as may be determined by the voluntary agreement between the Government of Bombay, the representatives of textile employers and the representatives of textile workers of the place concerned.

3. **Objects of the scheme.**—The principal objects of the scheme are—

- (i) to secure the rationalization of the recruitment system in the textile industry;
- (ii) to increase efficiency and production by reducing labour turnover;
- (iii) to reduce the waiting period of unemployed textile workers;
- (iv) to eliminate bribery, corruption and favouritism in the recruitment of textile workers; and
- (v) to encourage the systematic training of textile workers with a view to ensuring a steady supply of efficient workers.

4. **Organisation.**—The Government of Bombay shall establish an Employment Exchange at the place to which the scheme applies. It shall be in charge of a manager, who shall be provided with such staff as may be necessary for the proper administration of the scheme.

5. **Registers.**—The manager shall maintain a register of all workers who are employed in the textile industry at the place on the date of the introduction of the scheme and of such workers as may subsequently obtain employment whether as permanent workers, probationers or temporary workers in the industry in accordance with the provisions of the scheme.

The register shall be known as the Master Register.

The manager shall maintain a register of all persons seeking employment in textile mills consisting of two parts as follows:—

- (i) Workers with previous experience in the textile occupation or operation which they wish to pursue.
- (ii) Persons with no previous experience of any textile occupation or operation which they wish to pursue.

The manager shall maintain a *Badli* register of all *Badlis* to whom *Badli* cards have been given in accordance with the provisions of this scheme.

All these registers shall be maintained according to the card index envelope system.

The card index envelope shall be in the form given in Annexure I.

**6. Preparation of the "Badli" register.**—The *Badli* register shall be so regulated as to avoid unduly large surpluses or shortages of textile labour.

An estimate shall be made of the probable number of absentees every month/every *x*-months and the number of *Badlis* shall be based on such estimate. Each person, whether a trainee or otherwise, admitted to the *Badli* register, shall be furnished with a *Badli* card. Priority of registration shall be the only consideration in issuing a *Badli* card.

The *Badli* card shall be in the form given in Annexure II.

Where the estimate of absentees referred to in the preceding paragraph necessitates a reduction in the number of *Badli* cards already issued, such number of *Badli* cards shall be withdrawn as may be necessary on the principle "last in, first out".

**7. Training of textile workers.**—No textile mill shall employ a trainee without adequate and systematic arrangements for his training. The manager shall, from time to time, determine which mills shall be entitled to employ trainees and their numbers and categories.

**8. Duties of employers.**—No textile employer governed by this scheme or any person acting on his behalf shall employ a *Badli* except in accordance with the provisions of this scheme. No textile employer governed by this scheme or any person acting on his behalf shall fill a permanent vacancy except from the *Badlis* attached to his mills:

Provided that he may fill such vacancy by internal promotion from amongst or by transfer of the permanent employees of the mill in which the vacancy occurs.

**Duties of textile workers and trainees.**—No textile worker or trainee shall seek or obtain employment in the textile mills governed by the scheme except in accordance with the provisions of this scheme.

**9. Continuous service certificates.**—Every textile employer shall issue a continuous service certificate in the form given in Annexure III, when a textile worker or trainee leaves his employment.

**10. Power of the manager in relation to the employers.**—The manager shall have the power to require any employer governed by the scheme to furnish him such information as he may require for the efficient introduction and administration of the scheme and in particular information regarding—

- (1) The average daily number of *Badlis* who present themselves for work but cannot get it.
- (2) The number of *Badlis* appointed to permanent jobs during a month or such period as he may specify.
- (3) The number of vacancies, temporary or permanent, that occur during a month or such period as he may specify.

The manager or such officer, being not lower in rank than the assistant manager, as he may depute, shall have the right to enter the premises in the occupation and inspect any records maintained by any textile employer governed by the scheme with a view to securing compliance with the provisions of this scheme.

11. **Advisory Committee.**—The manager shall be assisted by an Advisory Committee consisting of equal number of representatives of employers and workers, with the manager as Chairman.

The members of the committee shall be nominated by the Government of Bombay in consultation with the organisations of employers and workers of the place concerned where they exist or such of them as Government may deem fit. Vacancies shall also be filled in the same manner.

Every member shall hold office for one year.

The functions of the committee shall be purely advisory.

The committee shall advise and assist the manager on all matters connected with the efficient introduction and administration of the scheme, and in particular on:—

- (1) the regulation of the number of *Badli* card-holders;
- (2) the mills to be permitted to employ trainees and the numbers and categories of trainees to be employed by each.

12. **Appeals.**—An appeal shall lie to the Deputy Director of Labour or such officer as the Government of Bombay may appoint in this behalf against the orders of the manager—

- (1) refusing to issue a *Badli* card whether for employment or for training;
- (2) withdrawing a *Badli* card;
- (3) refusing to allow more or less *Badlis*; and
- (4) refusing to permit the employment of trainees, their numbers or categories.

13. **Time-limit for appeal.**—No appeal shall be considered which is not filed within 30 days of the date of the order of the manager appealed against.

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## ANNEXURE I.

1. Registration No.....	3. Marks of identification.	4. Usual trade or occupation.	5. Trade Index No.
2. Name in full (Block Capitals)..... .....			

6. Age or year of birth.	7. (*) M W S	8. Religion and caste.	9. Present address.			10. Permanent address.
			Tenement ..			Street.....
			No. ..			Village..... or town
			Chawl No. ..			Post Office.....
			Street. ..			Taluka.....
			Postal Div. ..			Dist.....

11. Languages.				12. Educational qualifications.			13. Relatives in particular mills.			
Language.	Speak.	Read.	Write.		Exam. passed.	Date.	Name.	Relation-ship.	Name of mill.	Dept.
				General ..						
				Technical...						

14. Physical fitness.	15. Apprenticeship.				16. Membership of which Trade Union.
	Name of factory.	Shop in which trained.	From	To	
Height :					
Weight :					

(\*) Delete inapplicable terms.

## 17. Occupational record.

Name of factory.	Job.	Date of joining.	Date of leaving.	Pay on leaving.	Whether checked by reference to certificates produced or otherwise.

18. The information recorded on this card has been read over to me and I certify it to be true:

*Signature of thumb impression.*

*Date.....*

## 19. For official use.

Regd.	Check- ed.	Regn.	Renew- ed.
Date.	Initials.	Date.	Initials.

## 20. Transferred to—

Bad.	Regis.	Must er.	Regis.
Date.	Initials.	Date.	Initials.

## 21. Submission for vacancies

Particulars of employer or Vacancy Officer.	Salary offered.	Vacancy Tr. Ind. No.	Order No.	Date sub- mitted.	Result (if placed, give date, rejected, give reason).

## ANNEXURE II.

*Badli Card.*

Name of mill.....  
 Date.....19 .  
 Department.....  
 Occupation / operation.....  
 Name.....

Date.	Number.	Signature.	Date.	Number.	Signature.
1	.....	.....	17	.....	.....
2	.....	.....	18	.....	.....
3	.....	.....	19	.....	.....
4	.....	.....	20	.....	.....
5	.....	.....	21	.....	.....
6	.....	.....	22	.....	.....
7	.....	.....	23	.....	.....
8	.....	.....	24	.....	.....
9	.....	.....	25	.....	.....
10	.....	.....	26	.....	.....
11	.....	.....	27	.....	.....
12	.....	.....	28	.....	.....
13	.....	.....	29	.....	.....
14	.....	.....	30	.....	.....
15	.....	.....	31	.....	.....
16	.....	.....			

Date of engagement as *badli*.....19 .

Whether continuous service certificate-holder .. .. Yes/No.

Remarks regarding attendance .. .. Very regular/Regular/Not regular.

Remarks regarding efficiency .. .. Very good/Good/Moderate.

.....  
*Head of Department.*

.....  
*Manager.*

## Instructions to "Badli" Workers.

(1) You should bring this card with you every morning, otherwise you will not be given "Badli" work and the card may be cancelled.

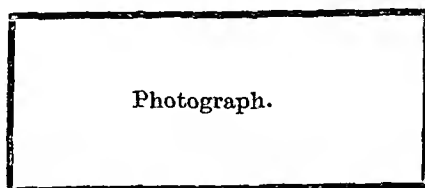
(2) Please do not roam in the Department unnecessarily. Please wait at the place allotted for you.

(3) If you do not get "Badli" work, please get your card signed by the departmental head before leaving the mill.

(4) If you do not get "Badli" work on a particular day and find that a new person without a "Badli" card is appointed, you should report to the departmental head.

(5) "Badli" work is given only to those who possess "Badli" cards. Regular and efficient workers are given preference for appointment to permanent vacancies.

No.....



Name in full (in block letters).....

Identification Marks.

*Signature or thumb impression.*

1. Age or date of birth.....
2. Religion.....
3. Stature:                      Height:                      Weight:
4. Present address—  
    (i) Tenement No.....  
    (ii) Chawl No.....  
    (iii) Street.....  
    (iv) Postal Division.....
5. Permanent address—  
    (i) Street.....  
    (ii) Village or Town.....  
    (iii) Post Office.....  
    (iv) Taluk.....  
    (v) District.....
6. Education—  
    (a) General.....  
    (b) Technical.....
7. Apprenticeship:—

Date of Issue:  
Place:

Manager;  
Employment Exchange.



Serial No.	Name of mills.	Department.	Occupation or operation.	Date of engagement.	Date of discharge.	Efficiency (very good, good, moderate).	Attendance (Very regular, regular, irregular).	Conduct (very satisfactory, satisfactory, unsatisfactory).	Reason for leaving.	Mill Manager's signature.
1	2	3	4	5	6	7	8	9	10	11
1										
2										
3										
4										
5										
6										

### APPENDIX—X(i).

#### Item IX—Implementation of resolution regarding industrial truce.

In December last the Industries Conference consisting of representatives of Government (Central, Provincial and Indian States), Employers and Workers unanimously adopted the following resolution on industrial peace:—

#### *Resolution.*

This conference considers that the increase in industrial production which is so vital to the economy of the country cannot be achieved without the fullest co-operation between labour and management and stable and friendly relations between them. The employer must recognise the proper role of labour in industry and the need to secure for labour fair wages and working conditions; labour for its part must give equal recognition to its duty in contributing to the increase of the national income without which a permanent rise in the general standard of living cannot be achieved. Mutual discussion of all problems common to both and a determination to settle all disputes without recourse to interruption in or slowing down of production should be the common aim of employers and labour. The system of remuneration to capital as well as labour must be so devised that while in the interests of the consumers and the primary producers excessive profits should be prevented by suitable measures of taxation and otherwise, both will share the product of their common effort after making provision for payment of fair wages to labour, a fair return on capital employed in the industry and reasonable reserves for the maintenance and expansion of the undertaking. For attaining these objectives, this Conference recommends—

(a) That the fullest use should be made of statutory and other machinery for the resolution of industrial disputes in a just and peaceful manner; where it does not exist, it should be created without delay. Such machinery should as far as possible be uniform throughout India.

(b) The establishment of machinery, central, regional and functional, for the study and determination of fair wages and conditions of labour,

and fair remuneration for capital; and methods for the association of labour in all matters concerning industrial production, such as the formation of Central, Regional and Unit Production Committees.

(c) The constitution in each industrial undertaking of Works Committees representing management and duly elected representatives of labour for the settlement of any dispute which may arise from day to day.

(d) That, as a first step towards improving the standard of living of workers immediate attention should be devoted to the problem of housing of industrial labour; the cost of such housing should be shared in suitable proportions between the Government, employers and labour, the share of labour being given in the shape of a reasonable rent.

The principles enunciated above having been accepted, this Conference calls upon labour and management to agree to maintain industrial peace and to avert lock-outs, strikes or slowing down of production during the next 3 years.

This Conference invites labour and management to assist Government to secure, promote and guarantee such agreements between the parties as will usher in a period of contented and orderly advancement towards a co-operative Commonwealth.

The resolution reproduced above recognised that for increasing industrial production, which is so vital to the economy of the country, fullest co-operation between labour and management and friendly relations between them were essential. As the representatives of employers and workers attended the Industries Conference in their individual capacity and could not commit their respective organisation, a reference was made to important organisations of employers and workers as to whether they also accepted the resolution. Replies from all have not yet been received but it is hoped that by the time the conference meets the attitude of employers' and workers' organisations will be definitely known.

### **Machinery for the study and determination of fair wages, conditions of labour and fair remuneration for capital.**

2. In order to give effect to the objectives laid down in the resolution, the Central Government consider that machinery should be established for the study and determination of fair wages, conditions of labour and fair remuneration for capital and in addition ways and means should be found for associating labour in all matters concerning industrial production. The machinery which it is proposed to set up will function at different levels, central, regional and unit. At the Centre, there will be a Central Advisory Council which will cover the entire field of industry and will have under it committees for each major industry. These committees may be split up into sub-committees dealing with specific questions relating to each industry, *e.g.*, production, industrial relations and economic questions including all questions relating to wages and profit.

The regional machinery under the Provincial Governments will be Provincial Advisory Boards which like the Central Advisory Council will cover the entire field of industry within the Province and these boards will have under them Provincial Committees for each major industry. The Provincial Committees may also be split up into various sub-committees dealing with specific questions relating to production, wage fixation, distribution of profits and industrial relations. Below the Provincial Industrial Committees will come the Works Committees and Production Committees for each industrial establishment.

Every part of the machinery detailed above, excluding the Works Committees and Production Committees, will be tripartite in character consisting of Government, employers' and workers' representatives in equal numbers. The Works Committees and the Production Committees which are explained below will be bipartite, that is, consisting of equal numbers of representatives of employers and workers only.

**Works Committees.**—Section 3 of the Industrial Disputes Act, 1947, provides for the formation of Works Committees consisting of representatives of employers and workmen. Under section 38 of the Act, the Central Government have made rules which apply to all Chief Commissioners' Provinces, Central Government undertaking, Federal Railways, major ports, mines and oilfields. Part 5 of the rules (copy enclosed) relates to Works Committees. It deals with the constitution of these Committees, election of representatives, their term of office, election of office bearers and matters connected with the holding of meetings.

A survey of the present position regarding Works Committees in the Central sphere and the Provinces is given in the memorandum relating to item II of the agenda.

**Production Committees.**—It is considered that Production Committees should be constituted for each unit, industry, region and Province. With a view to avoiding multiplicity of committees, it may be expedient to have a common personnel for the Works and Production Committees but even if the personnel be common, it would perhaps be desirable that the two committees should meet and function separately for dealing with matters falling within their respective spheres. The functions of the Production Committee will include all matters relevant to, or having a bearing on, production.

### **Machinery for the resolution of industrial disputes.**

3. The Central Government hopes that in view of the machinery proposed above, the volume of industrial disputes would diminish. It is further hoped that in their own interests and in the larger interests of the country as a whole, both employers and employees will agree to settle their disputes through recognised channels of conciliation and arbitration. For this purpose, the Labour Relations Machinery, both at the Centre and the Provinces, is being strengthened and permanent Labour Tribunals are being established for dealing with major disputes.

The Industrial Disputes Act, 1947, provides for the settlement of industrial disputes. It empowers the Central Government to deal with such disputes in the Central sphere covering Central undertakings, Federal Railways, mines, oilfields and major ports. For other industrial disputes the responsibility is that of the Provincial Government. Some Provincial Governments, *viz.*, Bombay, the United Provinces and the Central Provinces and Berar have also their own special Acts for the settlement of industrial disputes.

The Central Government has recently set up an Industrial Tribunal at Dhanbad primarily for the coalmine areas. It is also proposed to set up shortly two more such Tribunals—one at Calcutta and the other at Bombay—to be followed later by additional Tribunals at Madras and Kanpur. In addition, *ad hoc* tribunals may also be appointed by the Central and Provincial Governments, as and when necessary. Some of the Provincial Governments, *e.g.*, Bombay, Madras and Bengal have already appointed

standing industrial tribunals. It is intended that the standing industrial tribunals of the Central Government will be made available for dealing with major disputes not only in the Central but also in the Provincial spheres and the Provincial standing tribunals or *ad hoc* tribunals will be utilized for adjudication of disputes which are of lesser importance.

The labour relations machinery set up by the Central Government for dealing with disputes in the Central sphere consists of 1 Labour Commissioner, 4 Regional Labour Commissioners, 10 Conciliation Officers and 26 Labour Inspectors (Central). Another Regional Labour Commissioner is expected to be appointed shortly and it is proposed to make two more appointments in the near future. The cadre of Labour Inspectors will also be increased to 36 by the appointment of 10 more Inspectors. In the Provinces almost all Provincial Governments have Labour Commissioners, Deputy or Assistant Labour Commissioners and a number of Conciliators invested with statutory powers for conciliation.

### **Industrial housing.**

4. The Central Government is also taking special steps to improve workers' housing as rapidly as possible.

There are two bottlenecks to any scheme of industrial housing, *viz.*, (a) finance and (b) availability of raw materials, the latter being at present the more serious of the two. The Central Government has started a housing scheme in the coalfields and it is hoped to construct 50,000 houses in the course of the next 5 years, each providing the minimum standard of accommodation accepted by the Housing Sub-Committee appointed by the Standing Labour Committee. The progress here was held up not on account of finance but on account of the non-availability of raw materials and the difficulty in regard to the acquisition of sites. Nevertheless it is hoped that there will now be a great improvement in the rate of progress. A scheme for the construction of a million workers' houses to be completed in the course of the next ten years is also under consideration, the cost being shared in suitable proportions between the Government, employers and labour, the share of labour being in the shape of a reasonable rent. In this connection, it is proposed to set up a Housing Board to work out the details of the scheme and to supervise its operation. The Board will also conduct research work for improving designs of houses and reducing the cost of construction.

### **Appointment of Special Officer for implementation of various measures proposed.**

5. It is proposed to place an officer with considerable experience of labour matters in charge of all the executive work in connection with the various measures proposed. In particular, he will be required to devote special attention to the establishment and proper functioning of the various committees to be set up.

6. The Indian Labour Conference is invited to consider the above proposals and to make their comments on the action contemplated. Suggestions are also invited as to any other measures which are considered necessary in order to ensure industrial peace with a view to increase industrial production which as stated in the Industrial Truce Resolution is so vital to the economy of the country.

## PART V.—Works Committees.

**32. Constitution.**—Any employer to whom an order made under subsection (1) of section 3 relates shall forthwith proceed to constitute a Works Committee in the manner prescribed in this Part.

**33. Number of members.**—The number of members constituting the committee shall be fixed so as to afford representation to the various categories, groups and classes of workmen engaged in, and to the sections, shops or departments of, the establishment:

Provided that the total number of members shall not exceed twenty:

Provided further that the number of representatives of the workmen shall not be less than the number of representatives of the employer.

**34. Representatives of employer.**—Subject to the provisions of these rules, the representatives of the employer shall be nominated by the employer and shall, as far as possible, be officials in direct touch with or associated with the working of the establishment.

**35. Consultation with trade unions.**—Where any workmen of an establishment are members of a registered trade union, the employer shall ask the union to inform him in writing—

(a) how many of the workmen are members of the union; and

(b) how their membership is distributed among the sections, shops or departments of the establishment.

**36. Groups of workmen's representatives.**—On receipt of the information called for under rule 35, the employer shall provide for the election of workmen's representatives on the committee in two groups—

(1) those to be elected by the workmen of the establishment who are members of the union or unions, and

(2) those to be elected by the workmen of the establishment who are not members of the union or unions,  
bearing the same proportion to each other as the union members in the establishment bear to the non-members:

Provided that where more than half the workmen are members of a union, no such division shall be made.

**37. Electoral constituencies.**—Where under rule 36 the workmen's representatives are to be elected in two groups, the workmen entitled to vote shall be divided into two electoral constituencies, the one consisting of those who are members of a union and the other of those who are not:

Provided that the employer may, if he thinks fit, subdivide the two electoral constituencies and direct that workmen shall vote in either by groups, sections, shops or departments.

**38. Qualifications of candidates for election.**—Any workman of not less than 19 years of age and with a service of not less than one year in the establishment may if nominated as provided in these rules, be a candidate for election as a representative of the workmen on the committee:

Provided that the service qualification shall not apply to the first election in an establishment which has been in existence for less than a year.

**39. Qualifications for voters.**—All workmen, other than casual employees, who are not less than 18 years of age and who have put in not less than 6 months' service in the establishment shall be entitled to vote in the election of the representatives of workmen.

**40. Procedure for election.**—(1) The employer shall fix a date as the closing date for receiving nominations from candidates for election as workmen's representatives on the committee.

(2) For holding the election, the employer shall also fix a date which shall not be earlier than three days and later than ten days after the closing date for receiving nominations.

(3) The dates so fixed shall be notified at least seven days in advance to the workmen and the union or unions concerned, such notice shall be affixed on the notice board or given adequate publicity amongst the workmen. The notice shall specify the number of seats to be elected by the groups, sections, shops or departments and the number to be elected by the members of the union or unions and by the non-members.

(4) A copy of such notice shall be sent to the union or unions concerned.

**41. Nomination of candidates for election.**—(1) Every nomination shall be made on a nomination paper in Form 'H', copies of which shall be supplied by the employer to the workmen requiring them.

(2) Each nomination paper must be signed by the candidate to whom it relates and attested by at least two other voters belonging to the electoral constituency and shall be delivered to the employer.

**42. Scrutiny of nomination papers.**—(1) On the day following the last day fixed for filing the nomination papers, the nomination papers shall be scrutinised by the employer in the presence of the candidates and the attesting persons and those which are not valid shall be rejected.

(2) For the purpose of sub-rule (1), a nomination paper shall be held to be not valid if (a) the candidate nominated is ineligible for membership under rule 38 or (b) the requirements of rule 41 have not been complied with.

**43. Voting in election.**—(1) If the number of candidates who have been validly nominated is equal to the number of seats, the candidates shall be forthwith declared duly elected.

(2) If in any constituency the number of candidates is more than the number of seats allotted to it, voting shall take place on the day fixed for election.

(3) The election shall be held in such manner as may be convenient for each electoral constituency.

(4) The voting shall be conducted by the employer, and, if any of the workmen concerned belong to a union, by such of them as the union may nominate.

**44. Arrangements for election.**—The employer shall be responsible for all arrangements in connection with the election.

**45. Officers of the committee.**—(1) The committee shall elect office bearers including one Chairman, one Vice-Chairman and two Joint Secretaries.

(2) The Chairman shall be nominated by the employer from amongst the employers' representatives on the committee.

(3) The Vice-Chairman shall be elected by the committee from amongst the workmen's representatives on the committee.

(4) The two joint Secretaries shall be elected by the committee from among the representatives of the employer and of the workmen respectively.

46. **Term of office.**—(1) The term of office of a workmen's representative on the committee other than a member chosen to fill a casual vacancy shall be two years.

(2) A member chosen to fill a casual vacancy shall hold office for the unexpired term of his predecessor.

47. **Vacancies.**—In the event of a workmen's representative ceasing to be employed in the establishment or in the event of his resigning the membership in the committee, his successor shall be elected from the constituency to which the member vacating the seat belonged.

48. **Power to co-opt.**—The committee shall have the right to co-opt in a consultative capacity persons employed in the establishment having a particular or special knowledge of a matter under discussion. Such co-opted members shall not be entitled to vote and shall be present at meetings only for the period during which the particular question is before the committee.

49. **Number of meetings.**—The committee may meet as often as necessary but not less often than once a month.

50. **Facilities for meetings, etc.**—The employer shall provide accommodation for holding meetings of the committee. He shall also provide all necessary facilities to the committee and to the members thereof for carrying out the work of the committee.

#### APPENDIX—X(ii).

*Item IX (Supplement).*—**Copies of correspondence with the All-India Organisations of Workers and Employers relating to the Industrial Truce Resolution.**

**Letter No. L.R. 86(3), dated the 12th January 1948, from Ministry of Labour.**

I am directed to invite a reference to the resolution unanimously adopted at the Industries Conference held in December 1947 at New Delhi (copy enclosed). The Central Government has initiated action to set up the requisite machinery for implementing the various points covered by the resolution and both Central and Provincial Governments are expected to take action forthwith to set up machinery of a tripartite character envisaged in the resolution. The Central Government is gratified by the determination shown in the resolution by both employers and labour to settle all disputes without recourse to interruptions in production. I am to request that the resolution adopted at the conference may now be placed before your organisation which, the Ministry of Labour hopes, will accept it *in toto*.

#### *Resolution.*

This conference considers that the increase in industrial production which is so vital to the economy of the country cannot be achieved without the fullest co-operation between labour and management and stable and friendly relations between them. The employer must recognise the proper role of labour in industry and the need to secure for labour fair wages and working conditions; labour for its part must give equal recognition to its duty in contributing to the increase of the national income without which a permanent rise in the general standard of living cannot be

achieved. Mutual discussion of all problems common to both and a determination to settle all disputes without recourse to interruption in or slowing down of production should be the common aim of employers and labour. The system of remuneration to capital as well as labour must be so devised that while in the interests of the consumers and the primary producers excessive profits should be prevented by suitable measures of taxation and otherwise, both will share the product of their common effort after making provision for payment of fair wages to labour, a fair return on capital employed in the industry and reasonable reserves for the maintenance and expansion of the undertaking.

For attaining these objectives, this conference recommends—

(a) that the fullest use should be made of statutory and other machinery for the resolution of industrial disputes in a just and peaceful manner; where it does not exist, it should be created without delay. Such machinery should as far as possible be uniform throughout India;

(b) the establishment of machinery, Central, regional and functional, for the study and determination of fair wages and conditions of labour, and fair remuneration for capital; and methods for the association of labour in all matters concerning industrial production, such as the formation of Central, Regional and Unit Production Committees;

(c) the constitution in each industrial undertaking of Works Committees representing management and duly elected representatives of labour for the settlement of any dispute which may arise from day to day;

(d) that, as a first step towards improving the standard of living of workers, immediate attention should be devoted to the problem of housing of industrial labour; the cost of such housing should be shared in suitable proportions between the Government, employers and labour, the share of labour being given in the shape of a reasonable rent.

The principles enunciated above having been accepted, this conference calls upon labour and management to agree to maintain industrial peace and to avert lock-outs, strikes or slowing down of production during the next 3 years.

This conference invites labour and management to assist Government to secure, promote and guarantee such agreements between the parties as will usher in a period of contented and orderly advancement towards a co-operative Commonwealth.

**Letter, dated the 5th March 1948, from the Employers' Federation of India, to the Secretary to the Government of India, Ministry of Labour.**

I beg to acknowledge receipt of your letter No. L.R. 86(3), dated the 12th February, and to say that the resolution adopted by the Industries Conference has been forwarded to all our members with a recommendation that they accept the principles outlined in the resolution.

I am, however, to point out that the response from labour has been most disappointing, and Industrial Truce is very far from being achieved. It is a situation which, in the opinion of the President of my Federation, calls for positive action on the part of the Central and Provincial Governments.

I am also to invite your attention to the fact that the requisite machinery for the study and determination of the matters detailed in the resolution has not yet been set up by the Governments of India. In the



meantime, some of the Provincial Governments have initiated discussions for the formation of Provincial machinery for the purpose of implementing the resolution. My Federation is of the opinion that if individual Provincial Governments take up the matter initially without a lead from the Centre, there is every likelihood of un-co-ordinated decisions being reached by them. It is, therefore, essential that questions involving fundamental principles should first be decided at the all-India level by the Government of India, so as to enable the Provincial Governments to take such action as may be necessary in their spheres. If this is not done immediately, there is every likelihood of the Provincial Governments laying down divergent industrial and labour policies, which, it is submitted, it is essential to avoid.

**Letter, dated the 4th March 1948, from the All-India Trade Union Congress, to the Secretary, Government of India, Ministry of Labour.**

I have the honour to enclose herewith a copy each of the ten resolutions adopted unanimously at the meetings of the General Council of the All-India Trade Union Congress held at Calcutta on 25th, 26th and 27th February 1948.

Hope they will receive sympathetic consideration from the Government of India.

*Resolution on "Industrial Truce" adopted by the All-India Trade Union Congress.*

Having given serious and careful consideration to the resolution on what is generally known as "Industrial Truce" adopted at the Industries Conference convened by the Government of India at Delhi in December last, the General Council of the All-India Trade Union Congress, at its meeting held at Calcutta on the 25th, 26th and 27th February 1948, offers its considered comments on the subject matter of the Industrial Truce Resolution as contained in the following statement:—

The General Council realises the fact that if the vast millions of our country are to be fed, housed and clothed, industry and agriculture have to be built on a big scale and production and distribution to be planned and organised to satisfy the needs of the people.

But it has to be remembered that most of the industries, banks, insurance companies and other occupations are at present owned and controlled by a small class of persons who conduct them in order to make profits and not primarily with the object of supplying the needs of the community. Factories are shut down or opened and large number of workers are hired or thrown into unemployment to suit the profit motive of the employers without regard to the interests of the community. The consideration of supplying the needs of the community of goods does not primarily govern the system of production to-day.

Under such conditions it would be unjust to hold the workers responsible for production and its ups and downs.

The General Council desires to point out that the anxiety to eliminate strikes altogether and to ensure complete industrial peace in a competitive society can only remain a pious wish. So long as the competitive system of private industry for profits remains, one can endeavour only to minimise strikes and this can be achieved to some extent only if firm and effective measures are taken to restrict profits, dividends and rents, to reduce, regulate and stabilize prices and to organise suitable distribution by rationing of all essential commodities. The present policy of the Government which is against control as such is to industrial peace. In fact, Government have

laid themselves open to the charge of not being serious in their professions inasmuch as their present decontrol policy is inconsistent with the maintenance of industrial peace. When the Government expect labour not to resort to strike on the ground that the present time should be treated as that of national emergency they conveniently forget that they themselves treat the present time as normal by removing control even on food and cloth. In effect, the present policy of Government appears to be to control only one commodity, namely, that of human labour and to decontrol everything else. Let it be stated unambiguously that industrial peace cannot be achieved by such a policy.

It is unfair and misleading that labour organisations and labour leaders should be criticised by Government and employers for the alleged breach of the terms contained in the industrial truce resolutions. The resolution clearly imposes certain conditions to be fulfilled before labour is expected to give effect to the operative part of the resolution. In the absence of the fulfilment of these conditions, it is highly improper to put one-sided blame on labour. Moreover, the resolution imposes serious responsibilities on all the three parties concerned, namely, Central and Provincial Governments, employers' and workers' organisations. As long as Government do not discharge their share of the responsibility and do not also compel employers to do so, it is most improper to criticise labour in season and out of season for alleged breach of the terms of the resolution which can come into operation when the necessary conditions are fulfilled.

One of the necessary conditions to be fulfilled is the speedy nationalisation of the basic industries, banks, etc., which would give a feeling to the workers that the production is for the public good and not primarily for private profits.

Not only are the vast resources of production and wealth allowed to be used for the profit of the few and not for social use, the working class, on whose labour depends production itself, is even denied its minimum living wage and social security and human rights to decent existence. While profits have been rising and prices soaring up, the workers' low pre-war wages which further sank during the war have been hardly made up to-day in spite of the dearness allowances and small increases which they had to fight for. The working class on whom mainly falls the responsibility to feed, house and clothe society itself, is almost denied security of life, decent housing or clothing. Proposal for a general all-round increase to secure living wage are generally not carried out; hundreds of thousands of workers are retrenched and thrown into unemployment and the very existence of millions of producers is made insecure. It is unfair under such conditions to charge the working class with breaches of industrial truce.

Knowing fully well the hardships of workers, which give rise to stoppage of work, the Government with the intention to provide machinery for the settlement of disputes instituted legislation which in effect amounted to practical banning of the right of strike and imposing compulsory and dilatory process of conciliation and arbitration. When the workers win even under such conditions awards in their favour the employers refuse to abide by them and the Government in some cases have not taken any action against the employers, while under an award in favour of employers recommending rationalisation resulting in wage cuts and unemployment, powers have been taken under Public Security Act and these powers are made applicable to prevent workers in essential industries from seeking better employment at their choice without the permission of the Police Commissioner. Such measures are calculated to lead to discontent. In our considered opinion, the proper method of settlement of trade dispute is voluntary collective bargaining and recognition of trade unions.

The General Council hopes that serious consideration will be given by the Government to the views expressed in this statement. The Council would like to emphasise that industrial peace and increased national production can be achieved only as a result of enlightened and progressive labour and social policy as indicated in this statement. In the absence of such a policy it would not be proper to put one-sided blame for industrial unrest on labour.

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**Letter No. L.R. 86(3), dated the 18th March 1948, from the Secretary to the Government of India, Ministry of Labour, to the All-India Trade Union Congress.**

I am directed to invite a reference to your letter of the 4th March 1948 enclosing, among others, a copy of the resolution on Industrial Truce, adopted unanimously at the meeting of the General Council of the All-India Trade Union Congress held at Calcutta on 25th, 26th and 27th February 1948. This resolution is in the nature of a statement and contains comments on the subject matter of the Industrial Truce Resolution. There is nothing in it to indicate whether the Industrial Truce Resolution is or is not accepted by your organisation, as was expected in reply to this Ministry's letter No. L. R. 86(3) of 12th January 1948. In this connection, I am to observe that members of your organisation, who attended the Industries Conference in December last, supported this resolution and declared that while they could not commit their organisation as they were attending the Conference in their individual capacity they hoped to carry their organisation with them. The Hon'ble Shri Jagjivan Ram, the Labour Minister, in concluding the discussion stated that he would take the earliest opportunity to set up the requisite machinery in order to give effect to the various clauses of the resolution. Accordingly, the Government of India are now proposing to set up Central and Regional tripartite committees to implement the Industrial Truce Resolution. Before nominating representatives of organisations of employers and workers to these committees, it is necessary to know whether the organisations concerned have in fact accepted the Resolution. I am accordingly to request that an early intimation may be sent as to whether the Industrial Truce Resolution has in fact been accepted by your organisation.

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**Letter, dated the 29th March 1948, from the All-India Trade Union Congress, to the Secretary to the Government of India, Ministry of Labour.**

I am in receipt of your letter No. LR-86(3), dated 18th March 1948, asking us whether the Industrial Truce Resolution was accepted by the All-India Trade Union Congress or not. I have also received today the following telegram from you:—

"LR 86(3). Will be grateful for early reply our letter, dated eighteenth regarding Industrial Truce Resolution".

In reply to your above letter I have to state that the Resolution which was passed by the General Council of the All-India Trade Union Congress on 27th February is self explanatory. The nature of the Industrial Truce Resolution passed at the Delhi Conference is such that the views of the All-India Trade Union Congress on it could not be expressed either by "yes or no."

In the first place the Delhi Resolution merely enunciates certain principles regarding what is necessary to be done by Government in order to make the Industrial Truce practicable in the opinion of the Conference

and details of the proposed machinery for protecting the interests of the workers are still left to be worked out by joint discussion. In the absence of the details of these proposals, the General Council of the All-India Trade Union Congress could not be reasonably expected to express its opinion regarding their suitability for the achievement of the objective.

In the second place the implementation of the objective of the Delhi Resolution, namely, increased production, can only be practicable under certain suitable overall economic conditions such as a controlled economy and policy of nationalisation of industries. In the absence of such overall necessary conditions, the Delhi Industrial Truce Resolution will be found to be inadequate for its purpose even though the principles mentioned in the Resolution to which I have referred above are satisfactorily worked out in practical proposals.

For these two reasons, the General Council of the All-India Trade Union Congress could only state its comments on the Delhi Resolution and incidentally indicate its views as to how the objective of increased production could be obtained and industrial peace secured. You will easily realise how under these circumstances we cannot either say expressly whether we accept or not accept without the risk of our views being misunderstood. We have, therefore, contented ourselves by accepting the need for increased production and by indicating our views briefly regarding the Delhi Resolution which is both vague and omits reference to important requisite conditions.

In my opinion it will be wrong and unfair on the part of the Labour Ministry to take into consideration the fact whether an organisation has accepted the Delhi Resolution or not in nominating representatives on the Committees to be appointed for the purpose of carrying out the objective of the Resolution. In the first place, the principles mentioned in the Resolution are still to be worked out in concrete proposals and in the second place, decisions of the Committees to be set up will affect the interests of all workers and not only of those who accept the Delhi resolution. I can only express a hope that the Labour Ministry will not follow a policy in appointing these Committees which will be unfair to certain sections of workers and for that reason not likely also to be suitable for the achievement of your objective.

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**Extracts from letter No. 6/323, dated the 20th March 1948, from the Indian National Trade Union Congress to the Secretary to the Government of India, Ministry of Labour.**

In reply to your No. LR-86(3), dated the 12th January, I am enclosing a copy of the resolution adopted at the recent meeting of our executive. Resolutions 3 and 4 refer to Industrial Truce.

*Resolutions.*

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3. In view of the grave economic and political crisis facing the country, this committee welcomes the Industrial Truce concluded at the Industries Conference held at New Delhi, in December last, and assure the Government and the people of the country of its complete adherence to the truce, and offers its fullest co-operation in achieving the maximum production.

4. The executive committee of the Indian National Trade Union Congress is deeply concerned at the fact that there is no visible progress in giving concrete shape to the unanimous recommendations embodied in

the resolutions on Industrial Truce. The committee urges upon the Government the necessity of taking immediate steps in the direction of an adequate provision of suitable houses for the workers, of establishing machinery for assuring speedy justice to them by means of conciliation, arbitration or adjudication, for effective association of labour with management through works committees and production committees; and for determining fair wages, fair return on capital and due share of labour in the surplus of industry having due regard to the interest of the consumers.

The committee is firmly of opinion that to evoke the enthusiastic co-operation of the workers in the drive for production and to develop among them a high sense of responsibility to play an effective role as citizens in the co-operative commonwealth, measures should be taken for the quick realization of the workers' status as full partners in administration and control of industry.

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**D. O. letter, dated the 28th March 1948, from the Indian Federation of Labour, to the Under Secretary to the Government of India, Ministry of Labour.**

Please refer to your talk with me on the telephone yesterday regarding Industrial Truce Resolution. The Third All-India Conference of the Indian Federation of Labour held in Bombay on December 31, 1947, and January 1, 1948, considered the resolution as well as the report of Indian Federation of Labour representatives who attended the Industries Conference convened by the Government of India and adopted a resolution on it. I enclose a copy of the printed resolutions for your ready reference.

#### *Resolution.*

The Conference has read with great care and attention the resolution on "industrial truce" adopted at the recent tripartite conference held in Delhi. It has also heard from Com. Maniben Kara and Com. Rajani Mukherji a report of the conference. On the basis of that report, the conference resolves as follows:—

(a) The conference welcomes the efforts made by the Government to concentrate public attention on the alarming fall in production and to bring together labour and industry for devising ways and means for stepping up production.

(b) The conference is of the opinion that the basic causes of the fall in production and of the failure of industry to expand in spite of a very large unsatisfied demand lie in the nature and form of the Indian economy. It will not be possible to secure a stable rise in production without changing that nature and form and without framing and enforcing a plan for an all-round economic development of the country on the lines of the People's Plan. The tripartite conference has failed to devise any such plan. It is hardly likely, therefore, that the decisions taken at the conference will lead to any appreciable increase in production.

(c) The conference rejects as unworthy of consideration the allegation made in certain quarters that labour is responsible for the fall in production. It is, on the other hand, its considered opinion that many of the big monopolistic industrial concerns are deliberately sabotaging production in order to reap high profits out of an artificially stimulated scarcity. The conference demands that there should be a thorough investigation in the matter and steps should be taken to stop such anti-social practices.

(d) The conference reiterates the resolve of the workers to do everything within their power to step up production. The conference is, however, alarmed by the attempts made at the tripartite conference to relate increased production to the needs of war. It is, therefore, genuinely afraid that the production drive may result only in the production of arms and ammunition and not of consumer goods which are so badly needed by the people. The conference condemns any such move and warns the Government that the workers will resist it.

(e) It has been all along the policy of the Federation not to foment or encourage strikes. The Federation and its affiliated unions have been all along endeavouring to secure the settlement of industrial disputes without recourse to strikes. The Federation and its affiliated unions will continue to follow the same policy and will try their best to avoid stoppages of work. It cannot, however, give up the workers' right to strike or accept any limitations upon it. The conference hopes, however, that the Government and the employers will adopt a reasonable and fair and just attitude towards the demands of workers. The conference is emphatically of the opinion that the adoption of such an attitude can alone avoid strikes.

(f) The conference welcomes the recommendations made by the tripartite conference to set up Works Committees and Production Committees and to devise machinery for early settlement of disputes and for providing fair wages and conditions of work. The conference hopes that immediate steps will be taken to give effect to those recommendations. The conference, has, however, to warn that any such machinery that may be set up will not yield fruitful results unless it is motivated by a progressive and enlightened labour policy. The conference urges upon the Governments, Central and Provincial, to adopt and declare such a labour policy as early as possible and to take immediate steps to give effect to it.

(g) The conference authorises the General Secretary to make representations to the Government and the employers' organisations in terms of this resolution and to take all such steps as may be necessary for securing action in pursuance of the recommendations made by the tripartite conference.

## APPENDIX—XI.

### **Resolution given Notice of by the All-India Trade Union Congress on Compulsory Provident Fund.**

This meeting of the Ninth Labour Conference recommends to the Government of India to take at an early period necessary steps to provide statutorily Compulsory Provident Fund along with life insurance for all industrial workers.

K. N. JOGLEKAR,

MANEK GANDHI,

*Delegates, All-India Trade Union Congress.*

## APPENDIX—XII.

### **Violations of Industrial Truce.**

#### **Machinery to investigate recommendations.**

#### *Provincial Labour Advisory Board's Meeting.*

The following is the full text of the resolutions passed by the Provincial Labour Advisory Board:—

1. Recognising the increasing importance of problems arising out of existing industrial relations, this Board recommends to Government that

the Provincial Labour Advisory Board be suitably reconstituted to afford adequate representation to capital and labour in order that decisions and recommendations of the Board should have the fullest sanction of all interests in industry. Pending such reconstitution, this Board recommends that the additional representatives of employers and employees invited to attend the present series of meetings should continue to be invited to attend the meetings of the Board.

2. Realising the utmost urgency of implementing the terms of the Industrial Truce Resolution adopted at New Delhi in December last by the representative conference of employers, labour and Government and the need for obtaining peace and harmony in industry without delay, this Board recommends to the Government of Bombay to—

- (a) undertake appropriate and suitable action in the Provincial sphere to implement the terms of the resolution and to achieve industrial peace; in particular this Board welcomes the proposed legislation about the Wage Board machinery as desirable action in the Provincial sphere, and trusts that this new machinery would help to reduce the burden of work before the Industrial Court;
- (b) bring to the notice of the Government of India the imperative need of creating without delay the necessary machinery to implement the terms of the resolution on an all-India level and to lay down general principles concerning the determination of fair wages, fair remuneration of capital, conditions of labour and such other factors requiring all-India uniformity in decisions and action;
- (c) set up appropriate machinery for (i) investigating violations of industrial peace on the part of all parties concerned and advising Government on measures necessary to prevent and check such violations, (ii) studying the causation of strikes and lock-outs and for taking timely steps for the avoidance and prevention of such occurrences, and (iii) dealing with unfair labour practices whether on the part of employers or workers.

3. This Board recognizes the urgent need for speeding up the formation of Works Committees and Production Committees, and recommends to the Government of Bombay to set up immediately a joint committee to assist the Government in the preparatory work for the establishment and successful functioning of these committees.

4. This Board takes note of the announcement by the Government of Bombay that the Industrial Conditions Inquiry Committee is engaged in working out a Labour Code to standardize conditions and amenities in industrial establishments and expresses the hope that this work will be completed at an early date.

5. This Board is of opinion that acts of violence, assault and sabotage, by whomsoever committed, are highly detrimental to the maintenance of industrial peace and production and, therefore, assures Government of the readiness of all sections of the Board to do their utmost to create conditions which will help to stamp out such happenings, and offers its unstinted support to all actions necessary to put down sternly such acts of violence; assault and sabotage by whomsoever committed.

## APPENDIX—XIII.

**Resolution adopted by the Committee of the All-India Organisation of Industrial Employers, New Delhi, on the Resolution adopted at the Industries Conference held in December 1947 on "Industrial Truce".**

The Committee of the Organisation welcome the Resolution adopted at the Industries Conference held in December 1947 on Industrial Truce, as they have always been of opinion that strikes and lockouts should be discouraged at all costs, and particularly at the present juncture when the country is faced with a serious production crisis and there is need of greater and greater production. The Committee trust that all the parties to the Resolution will work it in the true spirit of the Resolution, and that both labour and industry will refrain from strikes and lockouts as long as any other avenue for the settlement of legitimate grievances is open.

As regards the machinery to be set up as contemplated in the Resolution for the study and determination of fair wages and conditions of labour and methods for the association of labour in all matters concerning industrial production, the committee are of opinion that while immediate steps should be taken to institute a suitable machinery for these purposes, it is necessary to see that it does not become unnecessarily cumbersome, unwieldy and complicated by a multiplicity of committees and advisory bodies. The machinery should be as simple as possible.

The Committee are also of opinion that the question of fair remuneration for capital, reasonable reserves for the maintenance and expansion of the undertaking, are matters of high policy relating to finance and industrial development of the country, and, as such, should be fully considered by the Ministries of Finance, Industry and Supply and Labour on the one hand, and representatives of Employers' Organisations on the other. This question cannot be left to be decided by the usual tripartite machinery or even by any single Ministry of the Government of India. The committee also trust that the Government of India will take the Indian industrial community in their fullest confidence before arriving at any decision as regards the machinery to be set up for the determination of these questions.

D. G. MULHERKAR,  
*Secretary.*

28, FERROZSHAH ROAD, NEW DELHI,  
17th April 1948.



## APPENDIX—XIV.

**Letter, dated 21st April 1948, from the Delegation of the All-India Trade Union Congress at the Ninth Indian Labour Conference, to the Chairman of the Conference.**

DEAR SIR,

Last evening (20th April 1948), when you summed up the discussions on the Industrial Truce Resolution, we were surprised to hear from you that all parties and organisations represented at the conference had accepted the Industrial Truce Resolution, as this statement does not correctly represent the position of the All-India Trade Union Congress.

We here wish to draw your attention to the Resolution in the form of a statement of the General Council of the All-India Trade Union Congress adopted unanimously at its meeting held on the 25th, 26th and 27th February at Calcutta; and also to the letter, dated the 29th March 1948, from Mr. N. M. Joshi, General Secretary, All-India Trade Union Congress, to the Secretary, Government of India, Ministry of Labour, in reply to their letter No. LR-86(3), dated the 18th March 1948. Copies of both these are on pages 226-227 [Appendix X(ii)] entitled supplement which has been circulated to members of the conference.

From the above reply of Mr. N. M. Joshi it would be clear that he categorically stated that "the nature of the Industrial Truce Resolution passed at the Delhi conference is such that the views of the All-India Trade Union Congress on it could not be expressed either by 'Yes' or 'No'. He further stated that for the two reasons mentioned in his letter the General Council of the All-India Trade Union Congress could only state its comments on the Delhi resolution and incidentally indicate its views as to how the objective of increased production could be obtained and industrial peace secured. You will easily realise how under the circumstances, we cannot either say expressly whether we accept or not accept without the risk of our views being misunderstood. We have therefore contented ourselves by accepting the need for increased production and by indicating our views briefly regarding the Delhi resolution, which is both vague and omits reference to important requisite conditions."

During our discussions both in the Standing Labour Committee and the Conference, Mr. Joglekar has emphatically expressed the very same views on behalf of the delegation repeatedly. In the Standing Labour Committee, Mr. Manek Gandhi actually read out these portions from the above mentioned documents. In the conference Prof. Shibbanlal Saksena clearly stated that our delegation stood by the statement of the General Council of the All-India Trade Union Congress and Mr. N. M. Joshi's letter referred to above which clearly—as he put it,—described our position on industrial truce and beyond which, he said, we had no authority to go. Even after you had summed up the discussion at the close of the session yesterday, Mr. Joglekar stood up and said that you had not correctly stated our views.

With a view to remove any misunderstanding of the position of the All-India Trade Union Congress, we propose to read out this letter, addressed to you, at the Conference today, and hope it will be incorporated in the proceedings.

Tranking you,

Yours sincerely,  
 (1) K. N. JOGLEKAR,  
 (2) MANEK GANDHI,  
 (3) SHIBBANLAL SAKSENA,  
*Trade Union Congress Delegation.*

